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Subject: Emoluments Suit Against Trump Can Proceed, Judge Says



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Thursday, March 29, 2018



TOP NEWS

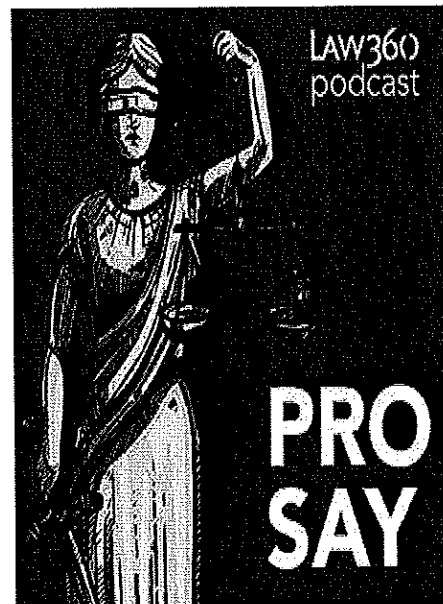
Emoluments Suit Against Trump Can Proceed, Judge Says

A Maryland federal judge on Wednesday rejected President Donald Trump's bid to toss a lawsuit alleging his undivested business interests violate the U.S. Constitution, specifically emoluments clauses that bar gifts or payments from foreign powers, saying claims related to the Trump International Hotel can proceed. [Read more »](#)

Chief Justice Searches For Way Out Of Gerrymandering Case

Chief Justice John Roberts Jr. and others on the U.S. Supreme Court scrambled Wednesday for a way out of a challenge to Maryland's Sixth Congressional District without mirroring courts in gerrymandering cases for years, but even he found what state officials did in the case hard to stomach. [Read more »](#)

DOJ Watchdog Will Probe Potential FBI Abuse Of Spy Court



[Listen to our new podcast here](#)

LAW FIRMS

Ahmad Zavitsanos

Akerman

Alston & Bird

A U.S. Department of Justice watchdog announced Wednesday it will investigate whether the DOJ and FBI complied with legal and policy requirements in relation to their contentious Foreign Intelligence Surveillance Court application to surveil former Trump campaign adviser Carter Page. [Read more »](#)

9th Circ. Hands Net Neutrality Litigation To DC Circ.

The Ninth Circuit on Wednesday ordered that consolidated challenges to the Federal Communications Commission's recent net neutrality repeal will be heard in the D.C. Circuit, granting an unopposed motion to move the suits to the court that has handled three previous rounds of litigation over internet regulation. [Read more »](#)

Justices To Consider Whether To Take Up Blagojevich Appeal

The U.S. Supreme Court on Wednesday said it would consider taking up imprisoned ex-Ill. Gov. Rod Blagojevich's last-ditch appeal effort after the U.S. Department of Justice panned the politician's latest appeal earlier this month. [Read more »](#)

BANKING & SECURITIES

Analysis

Startups Explore Reg A+ Path For ICOs Amid SEC Scrutiny

As initial coin offerings come under increased oversight from securities regulators, lawyers say more startups are considering the so-called Reg A+ exemption in hopes of completing aboveboard ICOs. [Read more »](#)

ENERGY & ENVIRONMENTAL

Fla. Judge Orders Ag. Dept. To Pay \$17M Citrus Canker Award

A Florida judge has ordered the state's agriculture commissioner to pay a \$16.9 million

Ansell Grimm
Arnold & Porter
Balch & Bingham
Berman Tabacco
Bernabei & Kabat
Blank Rome
Bradley Arant
Brann & Isaacson
Carr Maloney
Cipriani and Werner
Clarke Silvergate
Clifford Chance
Coblentz Patch
Cohen & Grigsby
Cohen Milstein
Cooley
Cravath Swaine
Crowell & Moring
DLA Piper
Faegre Baker
Fisher Phillips
Garland Samuel
German May
Gibson Dunn
Goldstein & Russell
Goodwin
Grossman Roth
Gupta Wessler
Hangley Aronchick
Harris Wiltshire
Hogan Lovells
Holland & Knight
Jenner & Block
Jones Day
Jones Walker
Keating Muething
Kilpatrick Townsend
King & Spalding

judgment to nearly 12,000 homeowners in Lee County whose backyard citrus trees were destroyed under the state's effort to eradicate the plant disease citrus canker. [Read more »](#)

EPA Looks To Dodge Scientists' Expert 'Purge' Lawsuit

The U.S. Environmental Protection Agency on Tuesday asked a Massachusetts federal court to kill a suit brought by a group of scientists who claim the agency's directive preventing scientists who receive EPA grants from serving on advisory committees is improper, arguing the EPA had discretion to write the policy. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NHTSA Walks Back Fuel Efficiency Penalty Increase

The Trump administration on Wednesday proposed to hold steady penalties for automakers that don't meet fuel efficiency standards after bowing to industry reconsideration requests, one day after urging the Second Circuit to dump a challenge to its delay of an Obama-era rule raising the penalties. [Read more »](#)

Aircraft Hobbyist Slams FAA's Bid To Duck Registry Rule Suit

A model aircraft hobbyist fired back at the Federal Aviation Administration's attempt to boot his proposed class action accusing the agency of unlawfully collecting his personal information and imposing registration fees, arguing Tuesday that the agency has intentionally ignored lawmakers and the courts. [Read more »](#)

REAL ESTATE

Newark Aims To Keep Amazon HQ Docs Out Of Public View

Kirkland & Ellis
Kleinbard LLC
Latham & Watkins
Loeb & Loeb
Lytal Reiter
Mayer Brown
Morgan Lewis
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Orrick Herrington
Pashman Stein
Pepper Hamilton
Perkins Coie
Pillsbury Winthrop
Polsinelli
Proskauer Rose
Quinn Emanuel
Reed Smith
Schiff Hardin
Seyfarth Shaw
Skadden
Stradley Ronon
Sullivan & Cromwell
Wachtell Lipton
Walder Hayden
Weiss Serota
Wiley Rein
Williams & Connolly
Zuckerman Spaeder

COMPANIES

AT&T Inc.
Alliance of Automobile Manufacturers
Amazon.com Inc.
American Bar Association
BTI Consulting Group Inc.
CTIA

Newark, New Jersey, urged a state court Tuesday to toss a lawsuit aimed at compelling the public disclosure of its bid to land Amazon's second U.S. headquarters, arguing that releasing the information would put the city at a competitive disadvantage. [Read more »](#)

EMPLOYMENT

Feature

SHRM Looks To Drive Workplace Policy Debate In DC

After years of playing second fiddle to groups like the U.S. Chamber of Commerce, the Society for Human Resource Management is gearing up to take a more active role in shaping the policies that come out of Congress and federal agencies on issues like immigration, overtime and education, new CEO Johnny Taylor told Law360 in an exclusive interview. [Read more »](#)

Biz Group Asks NLRB Auditor To Probe Member's Disclosure

A conservative business group on Wednesday petitioned the National Labor Relations Board's inspector general to investigate whether NLRB member Mark Gaston Pearce during an American Bar Association conference last month improperly disclosed that the board would soon vacate a landmark joint employer ruling. [Read more »](#)

COMPETITION

Turner CEO Scoffs At Threat Of 'Must-Have' Content To Merger

Turner Broadcasting CEO John Martin downplayed the importance Wednesday of the company's "must-have" content the government says AT&T and parent company Time Warner could leverage if their merger goes through, arguing that many programmers describe their popular material as must-have. [Read more »](#)

Center for Biological Diversity Inc.
Charter Communications Inc.
Citizens for Responsibility and Ethics in Washington
Comcast Corporation
Competitive Enterprise Institute
Computer & Communications Industry Association
DISH Network Corporation
Democratic National Committee
Ennis Inc.
FTI Consulting Inc.
Facebook
Fresh & Easy Neighborhood Market Inc.
Global Automakers
Google Inc.
Home Box Office Inc.
Hulu LLC
Instagram Inc.
International Association of Privacy Professionals
LinkedIn Corp.
McDonald's Corporation
Microsoft Corporation
NBCUniversal Inc.
NFL Enterprises LLC
Nascar Holdings Inc.
National Basketball Association
Natural Resources Defense Council
Netflix Inc.
New York Times Co.
Newegg Inc.
QUALCOMM Incorporated
RSM US LLP
Sierra Club
The Boeing Company
The DIRECTV Group, Inc.

EU Antitrust Enforcer To Study Market Effects Of Data

Europe's antitrust enforcer on Wednesday signaled a continued focus on competitive concerns raised by evolving technology, appointing a panel of outside experts to study the impact data and other digital developments are having on the market and any implications they raise for competition policy. [Read more »](#)

CYBERSECURITY & PRIVACY

EU Losing Trust In US Privacy Protections, Lawmaker Says

Recent moves by the U.S. government to roll back protections for individuals in the digital privacy space — including repeal of net neutrality rules and adoption of legislation to expand law enforcement's access to overseas data — are eroding the trust that had been slowly building back up after Edward Snowden's sweeping surveillance revelations, a top European lawmaker said Wednesday. [Read more »](#)

GOVERNMENT CONTRACTS

Feature

Blank Rome, Cipriani & Werner Cash In On Gerrymandering

Pennsylvania legislative leaders spent over \$3 million in taxpayer dollars in the multipronged fight over redrawing the state's congressional districts, and while Republicans ultimately lost the fight, two law firms retained by the GOP — Blank Rome LLP and Pittsburgh-based Cipriani & Werner PC — each took in over \$1 million in legal fees. [Read more »](#)

AEROSPACE & DEFENSE

Trump Picks His Doctor To Lead VA As Shulkin Shoves Off

U.S. Veterans Affairs Secretary David Shulkin will leave the agency after a recent scandal and clashes with senior VA staff, with

The Internet Association
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Union of Concerned Scientists
Wal-Mart Stores Inc.
Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Indian Affairs
Cherokee Nation
Commodity Futures Trading Commission
Department of Commerce
European Commission
European Union
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Emergency Management Agency
Federal Trade Commission
Government Accountability Office
Internal Revenue Service
Maryland Attorney General's Office
Morongo Band of Mission Indians
NAFTA
National Highway Traffic Safety Administration
National Institute of Standards and Technology
National Labor Relations Board
National Security Agency
New Jersey Department of Health
New York State Department of Health
Pennsylvania Supreme Court
Quinault Indian Nation

President Donald Trump saying Wednesday he will tap his personal doctor, U.S. Navy Rear Adm. Ronny Jackson, to replace the outgoing secretary. [Read more »](#)

INTERNATIONAL TRADE

Analysis

Trump's S. Korea Trade Deal Tweaks Signal Shift In Posture

After weeks of aggressive maneuvering, the Trump administration has thrown a bone to its free-trade critics by agreeing to modest revisions of a bilateral deal with South Korea it had threatened to ax, which shows it is heeding the call of the business community to look beyond simple deficits and surpluses when assessing a trade deal, experts say. [Read more »](#)

TAX

Analysis

Partnership 'Pull-In' Option Eases Burdens Of Audit Regime

Amendments to the consolidated partnership audit regime that allow partners to pay taxes through the partnership without filing amended individual income tax returns could greatly reduce administrative burdens on partners and the Internal Revenue Service while possibly lowering the interest the IRS charges on underpayments. [Read more »](#)

TCJA Cuts Households' Taxes Across Board, Think Tank Says

A report from the Urban-Brookings Tax Policy Center released Wednesday found the new federal tax law will reduce individual income taxes on average for all income groups in every state this year, cutting taxes for two-thirds of households by an average \$2,200. [Read more »](#)

Online Retailers Urge Justices Not To Overturn Quill

Securities and Exchange Commission
Texas Attorney General's Office
U.S. Census Bureau
U.S. Department of Agriculture
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Navy
U.S. Senate
U.S. Supreme Court

Quill Corp. v. North Dakota, the 1992 decision that reaffirmed the physical presence standard for the collection and remittance of use tax, is good law, and the U.S. Supreme Court should not turn its back on stare decisis, or on the retailers who rely on Quill, by overturning that decision, the defendants in a remote taxation case argued Wednesday. [Read more »](#)

IMMIGRATION

DOJ, West Palm Beach Settle 'Sanctuary City' Dispute

The U.S. Department of Justice said Tuesday that it has reached a settlement agreement with West Palm Beach, Florida, over its so-called sanctuary city policies, under which the city will inform its workers that they are not restricted from sharing immigration information with immigration officials. [Read more »](#)

DHS May Exclude Immigrants Who Use Tax Breaks, CHIP

The U.S. Department of Homeland Security is planning to deny immigration benefits to noncitizens who have used a broad array of public benefits, including prominent tax deductions, according to an unpublished draft rule. [Read more »](#)

NAACP Sues Over Census After Citizenship Question Included

The National Association for the Advancement of Colored People sued the U.S. Census Bureau in Maryland federal court on Wednesday over alleged deficiencies in the design of the 2020 census, just after the Trump administration announced it would include a controversial question about citizenship status. [Read more »](#)

NATIVE AMERICAN

Tribes Push To Nix Challenge To Indian Child Welfare Act

The Cherokee Nation, Oneida Nation, Quinault Indian Nation and Morongo Band of Mission Indians on Wednesday urged a federal judge to throw out a lawsuit led by Texas alleging a federal law that sets rules for adoption and custody cases involving Native American children is unconstitutional. [Read more »](#)

TELECOMMUNICATIONS

FCC Seeks More Input On Media-Linked Emergency Alerts

The FCC is seeking help sorting out technical complications tied to embedding media such as phone numbers and web links into emergency alerts pushed out to mobile devices. [Read more »](#)

Neustar Seeks Delay In Cell Number Mgmt. System Handoff

Neustar Inc. on Monday claimed the Federal Communications Commission is barred from meddling in stalled discussions over the company's planned handoff of local number portability powers to Telcordia Technologies Inc., saying the FCC should extend the transition deadline so the parties can reach an agreement and stave off a possible "catastrophic interruption" in service for cellphone users. [Read more »](#)

EXPERT ANALYSIS

Changes At NLRB May Mean Retaliation For Posting #MeToo

The newly appointed National Labor Relations Board has expressed a desire to overturn several key employee social media use precedents established in recent years. The policy change comes at a critical juncture for online concerted activity, particularly by women using the internet to combat workplace harassment and violence, says Michael Ellement of Bernabei & Kabat PLLC. [Read more »](#)

If You Can't Stand The BEAT, You're Still Stuck In The Kitchen

The new base-erosion anti-abuse tax, or BEAT, aims to prevent large corporate taxpayers from using deductible payments to offshore affiliates to reduce their U.S. taxable income below 10 percent. However, the law does not adequately confine its reach to its purported target of base erosion and also raises other murky interpretative and policy questions, says Heather Ripley of Alston & Bird LLP. [Read more »](#)

Next Steps For BDCs As Long-Awaited Reforms Arrive

Last week's omnibus spending legislation includes a provision that relaxes leverage and offering restrictions that many business development companies have been seeking over the last several years. Although the amendments are not automatically effective, BDCs and their sponsors should start considering a number of issues in the near term, say Nicole Runyan and Monica Shilling of Proskauer Rose LLP. [Read more »](#)

How NY And NJ Medical Cannabis Regulations Are Evolving

The medical marijuana programs in both New York and New Jersey severely restrict the number of legal dispensaries, and limit the number of medical conditions that qualify for medicinal cannabis treatment. But both states are moving toward expansions of their programs, creating opportunities for patients and businesses alike, say Joshua Bauchner and Anthony D'Artiglio of Ansell Grimm & Aaron PC. [Read more »](#)

Opinion

We Need A Cybersecurity Framework For Law Firms

In order to enable lawyers to best meet cybersecurity challenges, state bars should pass rules that adopt a cybersecurity framework to be developed by a national committee, says Shaun Jamison, associate

dean of faculty and professor at Purdue University's Concord Law School. [Read more »](#)

LEGAL INDUSTRY

13 Law Firms Boast The Most Client-Savvy Attorneys

Just 13 law firms are home to five or more attorneys named by corporate counsel as "client service all-stars," according to a report released Wednesday, with Jones Day and Gibson Dunn & Crutcher LLP coming out on top. [Read more »](#)

17 Attorneys Earn GCs' Repeat Kudos For Client Service

Seventeen attorneys have garnered all-star recognition among corporate counsel for at least the second year in a row for commitment to their clients that has been exemplified through responsiveness, legal pedigree and a client-centric approach. [Read more »](#)

How To Become Beloved By GCs

General counsel say the attorneys who consistently earn their trust and win their business stand out for their ability to cultivate a deep understanding of their clients' industry and foster relationships that extend beyond the delivery of legal services. [Read more »](#)

6 Traits Shared By The Lawyers GCs Love The Most

Heads of corporate legal departments value unmatched client focus and experience from their outside counsel above all other traits, according to a report out Monday by BTI Consulting Group. [Read more »](#)

Ex-BigLaw Atty's Worth Jumped When He Shot Wife, Jury Told

A former Fisher Phillips LLP partner accused of murdering his wealthy wife for financial reasons went from having no funds of his own in his checking account to controlling \$1.16 million the moment his wife died, a forensic

accountant testified for the state Wednesday in a Georgia trial. [Read more »](#)

Don't Spare Ex-Skadden Atty The Rod, Mueller Urges Judge

A former Skadden Arps Slate Meagher & Flom LLP lawyer who admitted to lying to federal investigators working for special counsel Robert Mueller should face a punishment that reflects the seriousness of his crime, prosecutors have told the federal judge who's set to sentence the lawyer next week. [Read more »](#)

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FORUM 2018

leading
courageous
conversations



Early Bird pricing ends April 12th- one week from today!

Leadership Forum 2018

Theme: Leading Courageous Conversations

Attendees will learn from experts and engage in facilitated conversations surrounding four topics of critical interest to the Columbus community.

Featured Topics & Speakers include:

Opiates-

Amy O'Grady, Chief of Addiction Policy at Columbus City Attorney's Office

Poverty-

Michael Wilkos, Senior Vice President of Community Impact at United Way of Central Ohio

Immigration-

Dr. June Gutterman, CEO, Jewish Family Services

Domestic Abuse-

Sue Zazon, Central Ohio President, Huntington and
Sheryl Clinger, Task Force Director at Columbus Coalition Against Family Violence

Wednesday, May 16th, 2018

8:00am- 11:30am

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Monday, April 9, 2018



TOP NEWS

Potential Trade War Could Outweigh Fed. Tax Law Benefits

A tariff war that could raise a threat to international commerce between the U.S. and China could also negate many of the effects of the federal tax overhaul. [Read more »](#)

Analysis

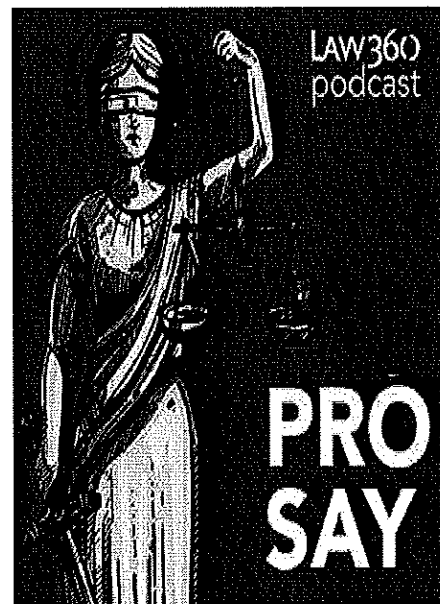
3 Telecom Issues To Watch In The AT&T-Time Warner Trial

The U.S. Department of Justice is taking AT&T to court over its proposed buy of Time Warner Inc., and the trial so far is raising interesting questions about the roles of internet service providers, TV programmers and traditional distributors in an ever-expanding media universe. [Read more »](#)

Analysis

GAO Bid Protest Overhaul Brings Welcome Changes

A new U.S. Government Accountability Office rule marks a significant change to the GAO's



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LAW FIRMS

Arnold & Porter

Barnes & Thornburg

Beeson Tayer

bid protest system, and those tweaks provide important clarifications and quality-of-life improvements for most protest participants and practitioners, attorneys say. [Read more »](#)

Ariz. Senate Passes Bill To Kill 'Chevron Deference'

The Arizona Senate passed a bill Thursday eliminating "Chevron deference," a legal doctrine that gives state regulatory agencies a crucial advantage in legal fights with businesses, Indian tribes and other regulated entities, in a move that could lead to similar legislation in other states and the federal government. [Read more »](#)

Massachusetts Ban On Assault Weapons Upheld

A Massachusetts federal judge late Thursday evening upheld the state's longtime ban on AR-15 rifles, saying Massachusetts Attorney General Maura Healey did not overstep her authority by extending the ban to so-called "copycat" weapons, a move that had led gun rights' advocates to cry foul and say she created thousands of felons overnight. [Read more »](#)

ENERGY & ENVIRONMENTAL

Trump Aims To Simplify Offshore Wind Regs, DOI Sec. Says

U.S. Department of Interior Secretary Ryan Zinke told global leaders in the offshore wind sector on Friday that the Trump administration aims to simplify the industry's regulatory process, given its key role in building the nation's renewable energy portfolio and independence. [Read more »](#)

MEDIA & ENTERTAINMENT

DOJ, Free Speech Groups Want Harvard Bias Suit Public

The Trump administration joined a group of First Amendment and free press advocates

Bracewell
Bradley Arant
Bryan Cave
Burns & Levinson
Burr & Forman
Campbell Campbell Edwards
Cleary Gottlieb
Colson Hicks
Consovoy McCarthy
Covington & Burling
DLA Piper
Drinker Biddle
Franczek Radelet
Gibson Dunn
Hogan Lovells
Holland & Knight
Hunton & Williams
Jackson Lewis
Jones Walker
Katten Muchin
Kean Miller
Kellogg Hansen
Kirkland & Ellis
Koprince Law
Latham & Watkins
Lerman Senter
Littler Mendelson
Marashian & Donahue
Mayer Brown
McDermott Will
McManimon Scotland
Morgan Lewis
Nelson Mullins
Nixon Peabody
Nutter McClennen
Preti Flaherty
Quinn Emanuel
Reed Smith

who asked a Massachusetts federal judge on Friday to keep summary judgment filings public in a long-running suit against Harvard University by an anti-affirmative action group claiming the Ivy League school discriminates against Asian-American applicants. Read more »

Facebook Backs Political Ad Bill, Will Verify 'Issue' Ads

Facebook said for the first time on Friday that it supports a proposed law that would require social media companies to disclose the origin of political ads on their platforms. The company also announced new verification rules for buyers of so-called issue ads, which American authorities say helped sow discord in the 2016 U.S. elections. Read more »

TRANSPORTATION & INFRASTRUCTURE

Trump Taps NHTSA No. 2 To Head Auto Safety Regulator

President Donald Trump said late Thursday that he plans to nominate Heidi R. King as administrator of the National Highway Traffic Safety Administration, the agency that enforces passenger vehicle safety standards and whose core mission is keeping people safe on America's roadways. Read more »

REAL ESTATE

NJ Appeals Panel Denies Revival Of Redevelopment Challenge

The New Jersey Superior Court Appellate Division refused on Friday to revive a business' challenge of a redevelopment project in Orange, saying no evidence was provided that the developer and the city's elected officials ran afoul of state law when they entered into a redevelopment agreement. Read more »

EMPLOYMENT

Schnader Harrison
Seyfarth Shaw
Sidley Austin
Skadden
Sterne Kessler
Taft Stettinius
Willenken Wilson
WilmerHale
Wimberly Lawson
Zetlin & De Chiara

COMPANIES

21st Century Fox Inc.
A.P. Moller-Maersk
AT&T Inc.
Accenture plc
Akima LLC
American Bar Association
American Federation of Labor and Congress of Industrial Organizations
American Immigration Lawyers Association
Appriss Inc.
Association of Corporate Counsel
BlackBerry Ltd.
Bloomberg
Bristol-Myers Squibb Company
Buffalo Wild Wings Inc.
Cable News Network Inc.
CenturyLink Inc.
Chevron Corporation
Comcast Corporation
DNV GL Group AS
Deepwater Wind
Entergy Corporation
Equifax Inc.
Facebook
Florida Bar Association

Browning-Ferris Joint Employer Fight Lands Back At DC Circ.

A split D.C. Circuit panel decided Friday that waste management company Browning-Ferris' appeal of the Obama-era expansion of the National Labor Relations Board's joint employer standard is back on, saying "extraordinary circumstances" trumped a previous order that kicked the case back to the NLRB. [Read more »](#)

NLRB's Counsel Faces Off With Board Over Hy-Brand Ruling

National Labor Relations Board General Counsel Peter Robb chastised three board members Thursday for excluding member Bill Emanuel from a decision vacating a landmark joint employer ruling over his purported conflicts, calling the action "unprecedented" and saying the member should have been allowed to decide for himself whether to recuse. [Read more »](#)

Proposal To Eliminate Chevron Deference In Fla. Advances

A proposal to eliminate the default deference to Florida administrative agencies' interpretations of statutes needs just one more vote from the Constitution Revision Commission before reaching the ballot as a proposed amendment to the state constitution in November. [Read more »](#)

Feature

Employment Roundup: 7 Things You May Have Missed

A former Ford worker who claimed he was harassed over his Arab background won nearly \$17 million, a woman sued her former employer after she was fired when images of her making an obscene gesture at President Donald Trump's motorcade went viral, and the NAACP Legal Defense and Educational Fund asked the U.S. Supreme Court to review an Eleventh Circuit ruling that said it's not race discrimination to deny jobs to workers who wear dreadlocks. Here, Law360 looks at these

Ford Motor Company
GateHouse Media Inc.
Gazprom
Google Inc.
Home Box Office Inc.
Hulu LLC
Instagram Inc.
International Brotherhood of Teamsters
Johnson & Johnson
Lambda Legal Defense & Educational Fund
Major Lindsey & Africa
Medical Action Industries Inc.
Miramax Film Corp.
NAACP Legal Defense and Educational Fund Inc.
NBCUniversal Inc.
National Rifle Association of America
National Rural Electric Cooperative Association
National Women's Law Center
Natural Resources Defense Council
Netflix Inc.
New York Times Co.
Northrop Grumman Corporation
Oracle Corp.
Pfizer Inc.
Rite Aid Corporation
Riverkeeper Inc.
SLM Corporation
Siemens AG
Stout Risius Ross LLC
Takata Corp.
The DIRECTV Group, Inc.
The Walt Disney Co.
Time Warner Inc.

and other recent employment law-related developments attorneys may have missed. [Read more »](#)

INTERNATIONAL TRADE

White House Sanctions Russian Billionaires, Putin Officials

President Donald Trump's administration has imposed new sanctions on dozens of Russian officials and entities, the White House announced Friday, saying the move is a response to Russia's actions in Ukraine and Syria and interference in the 2016 presidential election. [Read more »](#)

China Not Backing Down After Latest US Tariff Threat

In the wake of President Donald Trump's latest threat to impose yet another round of hefty tariffs on Chinese goods to counter the nation's intellectual property regime, Beijing dug in its heels on Friday by saying it will immediately retaliate yet again if the U.S. proposes new levies. [Read more »](#)

Texas Gov. Says US Needs Investor Protections In NAFTA

Texas' governor has urged the country's trade representative to preserve two provisions in the North American Free Trade Agreement deemed critical to the state and nation's economic health, including a rule giving investors the right to raise business disputes with governments that's fallen in the crosshairs of the Trump administration. [Read more »](#)

TAX

House Chair Defends Tax Law Amid March Jobs Figures

Chairman of the House Ways and Means Committee Kevin Brady, R-Texas, defended the new federal tax law on Friday after the March jobs report, released by the Bureau of

Twitter Inc.
U.S. Chamber of Commerce
United Parcel Service Inc.
United States Telecom Association
Yahoo! Inc.
YouTube Inc.
Zeughauser Group LLC

GOVERNMENT AGENCIES

Bureau of Labor Statistics
Bureau of Ocean Energy Management
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Election Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
NAFTA
National Economic Council
National Highway Traffic Safety Administration
National Labor Relations Board
New Jersey Legislature
Office of the U.S. Trade Representative
Securities and Exchange Commission
U.S. Census Bureau

Labor Statistics, failed to meet expectations.
[Read more »](#)

CPA Group Calls For Practitioner Services Unit At IRS

The American Institute of Certified Public Accountants told lawmakers on the House Ways and Means Committee on Friday that it would like to see a practitioner services division created at the Internal Revenue Service, with a focus on taxpayer services, as part of the committee's IRS overhaul bill.
[Read more »](#)

IMMIGRATION

Trump Signs Memorandum To End 'Catch And Release' Policy

U.S. President Donald Trump signed a memorandum Friday announcing an intent to end the so-called "catch and release" policy that allows immigrants detained at the border for not having proper credentials to go free while awaiting their status hearings. [Read more »](#)

Sessions Orders US Attorneys To Prosecute Border Crossers

U.S. Attorney General Jeff Sessions announced on Friday that he had notified all U.S. attorney's offices in border states of a new zero-tolerance policy for noncitizens who enter the U.S. without authorization. [Read more »](#)

ICE, DHS Must Fix Immigrant Detention System, Groups Warn

Several advocacy groups joined together in a letter Thursday to the U.S. Department of Homeland Security, requesting that it take responsibility for U.S. Immigration and Customs Enforcement's alleged ongoing mismanagement of the immigrant detention system and comply with new limitations on agency spending. [Read more »](#)

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Office of Government Ethics

U.S. Senate

U.S. Supreme Court

TELECOMMUNICATIONS

FCC's Lifeline Reforms Can Stay In Place, DC Circ. Says

The Federal Communications Commission can keep in place Lifeline program requirements that the telecom industry provide phone and internet service to rural and low-income customers, despite cutting subsidies for the program, a D.C. Circuit panel said on Friday. [Read more »](#)

FCC Releases Delayed Final Order Covering Tribal Broadband

The Federal Communications Commission increased the amount of funds that many operators on tribal lands can recover from the Universal Service Fund in an order released Thursday that several commissioners called a compromise. [Read more »](#)

EXPERT ANALYSIS

Should We Trust The Fiduciary Rule Is Gone?

The U.S. Department of Labor's fiduciary rule has been challenged in court by various organizations on grounds that the agency exceeded its authority in promulgating it. Those challenges culminated in a recent decision by the Fifth Circuit to vacate the rule in *U.S. Chamber of Commerce v. DOL*, say Robert Stone and Shannon Smith of Katten Muchin Rosenman LLP. [Read more »](#)

Senate Regulatory Relief Bill Would Benefit Community Banks

The Dodd-Frank rollback bill recently passed by the Senate is not as sweeping as the House's Financial Choice Act, but for community bankers, there are a number of provisions to like, says Joan Guilfoyle of Jones Walker LLP. [Read more »](#)

Trans-Pacific Partnership Lost Important IP Provisions

Following U.S. withdrawal, the Trans-Pacific Partnership suspended 22 provisions, the majority of which relate to the negotiated intellectual property rights. Many of these provisions would have benefited pharmaceutical and biotechnology companies, say Jeremiah Frueauf and Matthew Smith of Sterne Kessler Goldstein & Fox PLLC. [Read more »](#)

Opinion

Congress' Fix To Tribal Sovereign Immunity Misses The Point

Congress recently introduced a bill to strip Native American tribes of sovereign immunity on issues relating to patents, but this proposed law only delays resolution of the confusion over a real problem on new attacks on pharmaceutical patents, says Anthony Caso, director of the Claremont Institute's Constitutional Jurisprudence Clinic at Chapman University Fowler School of Law. [Read more »](#)

Tax Reform, Hollywood And The Gray Lady: What's News Now

While the media has been reporting on tax reform, tax reform will impact the media industry itself. Reform's effects are numerous, from a reduction in tax rates and new deductions to the loss of important deductions and new international regimes that have kept tax experts waiting in anticipation of further guidance, say attorneys Michele Alexander and Ryan Davis of Bracewell LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

ABA To Cut Staff And Restructure Amid Membership Slump

Layoffs have hit the American Bar Association following years of declining membership rates, with approximately 4 percent of its workforce expected to get a pink slip or accept a voluntary buyout by mid-April as major

organizational changes are implemented.
[Read more »](#)

Legal Industry Caps Off Sluggish Q1 With Small Jobs Gain

Despite a gain of 400 jobs in March, the legal services sector has struggled to pick back up after job losses recorded at the beginning of the year, finishing the first quarter with more than 1,000 fewer jobs than at the end of 2017, according to a report on Friday by the Bureau of Labor Statistics. [Read more »](#)

Feature

The 5 Traits CLOs Will Seek In Their Next In-House Hires

Leaders of corporate legal departments looking to select their next in-house attorneys, either to replace outgoing lawyers or expand their staffs, are prioritizing certain professional skills above others. Here, experts shared the characteristics that could boost lawyers' resumes when applying for in-house roles this year. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

An analysis found that women earn less than men in nearly every occupation across all wage levels, Facebook now estimates the data of roughly 87 million users — not the previously believed 50 million — was improperly shared with Cambridge Analytica, and a survey revealed that general counsels would prefer to bring additional talent in-house rather than rely on outside counsel. These are some of the stories in corporate legal news you may have missed in the past week. [Read more](#)
= 2

Podcast

Law360's Pro Say: Should College Athletes Be Paid?

On the latest episode of Law360's Pro Say podcast, we discuss a major case headed to trial over whether college athletes should be

paid; a U.S. Supreme Court ruling on overtime pay; a judge saying courts improperly used the fees from PACER; and an Iowa man who was threatened with lawsuits when he said his town smelled like "rancid dog food." [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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From: Public Policy Law360
Sent: Thursday, April 12, 2018 4:59 AM
To: Rep48
Subject: Trump's La. Judge Pick Grilled Over Anti-Abortion Views



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Thursday, April 12, 2018



TOP NEWS

Trump's La. Judge Pick Grilled Over Anti-Abortion Views

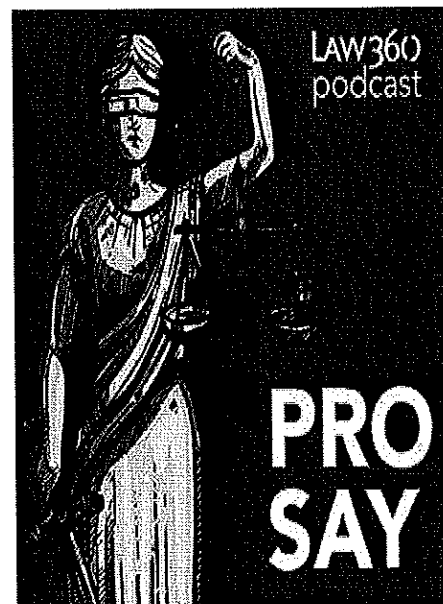
Democrats grilled Louisiana federal judge nominee Wendy Vitter over her anti-abortion views Wednesday, interrogating her about whether they would affect her decisions on the bench. [Read more »](#)

Senate May Take Up Bipartisan Bill To Protect Mueller

The Senate Judiciary Committee may consider a bipartisan bill to protect Special Counsel Robert Mueller as early as next week, as senators on both sides of the aisle have expressed concern about the integrity of the probe into Russian interference in the 2016 election. [Read more »](#)

Top US Law Firms Lobby Again For Legal Aid Funding

Leaders from more than 180 top law firms in the United States on Tuesday urged members of Congress to grant the Legal Services



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LAW FIRMS

Akerman
Akin Gump
Alston & Bird

Corp.'s requested \$564.8 million for the 2019 fiscal year budget to ensure legal aid to veterans, domestic violence victims and other vulnerable citizens. [Read more »](#)

USPTO Head Calls For New Path To Restore Patent Stability

The United States patent system has been weakened by "a yearslong onslaught" from legislative changes, court decisions and negative rhetoric in recent years, the director of the U.S. Patent and Trademark Office said at a D.C. event Wednesday, vowing that the agency would seek to restore stability under his watch. [Read more »](#)

Analysis

NLRB Joint Employer Test Still In Limbo Despite New Member

With the D.C. Circuit tightening the screws on the National Labor Relations Board to firmly establish a joint employer standard, Wednesday's confirmation of former Morgan Lewis & Bockius LLP attorney John Ring may not be enough to quickly break through the ethical logjam that doomed the board's attempt to put a more employer-friendly standard in place late last year, lawyers say. [Read more »](#)

Analysis

Independent IRS Appeals Seen As Step In Right Direction

One of several bills before the House of Representatives to reform the Internal Revenue Service aims to ensure an independent appeals process and has gained strong support among tax professionals and lawmakers on both sides of the aisle who say assuring impartial review of taxpayer appeals should be a central component of any reform measure. [Read more »](#)

9th Circ. Asks DOJ About Trump's Sanctuary City Threats

The Ninth Circuit's chief judge asked a U.S. Department of Justice attorney Wednesday to square President Donald Trump's public

Blank Rome
Buchanan Ingersoll
Constantine Cannon
Covington & Burling
Cravath Swaine
Cuti Hecker
Davis Wright Tremaine
Dentons
Dinsmore & Shohl
Earthjustice
Epstein Becker Green
Fisher Phillips
Gibson Dunn
Goldstein & Russell
Kasowitz Benson
Kilpatrick Townsend
Latham & Watkins
Lewis Brisbois
Littler Mendelson
Lockridge Grindal
MacDonald Hoague
Mayer Brown
Morgan Lewis
O'Melveny & Myers
Ogletree Deakins
Paul Weiss
Perkins Coie
Priddy Cutler
Reed Smith
Saul Ewing
Sedgwick LLP
Seyfarth Shaw
Skadden
Starn O'Toole
Stoll Keenon

COMPANIES

AFLAC Incorporated
AT&T Inc.

threats to withhold money from so-called sanctuary cities with the DOJ's argument that a resulting executive order prohibiting grants to such cities merely directs government officials to enforce existing immigration law. [Read more »](#)

BANKING & SECURITIES

Regulators Consider Relaxing Capital Rule For Big Banks

Two major federal banking regulatory agencies Wednesday proposed relaxing capital requirements placed on large U.S. banks, a move they say could free up \$400 million worth of capital for the banks' holding companies. [Read more »](#)

House Passes Financial Services Rules Tweaks

The House of Representatives passed a series of rules tweaking financial services and banking rules Wednesday, as the chamber gears up to consider its own version of a Senate-passed banking overhaul. [Read more »](#)

SEC Looks To Spur Trading Of Smaller Companies

The U.S. Securities and Exchange Commission will consider whether market structure changes are needed to stimulate interest in thinly traded securities of small companies at a coming roundtable, Chairman Jay Clayton said Tuesday, reiterating his concern that "Main Street" investors are losing out from a decline in publicly traded companies. [Read more »](#)

ENERGY & ENVIRONMENTAL

DOE Open To Emergency Grid Input Amid FirstEnergy Plea

The U.S. Department of Energy has designated a new email address to serve as a clearinghouse for public input on the agency's

Alliance of Automobile Manufacturers
Allstate Corporation
Amazon.com Inc.
American Bar Association
American Chemistry Council Inc.
American Civil Liberties Union
American Farm Bureau Federation
American Immigration Council
American Immigration Lawyers Association
American Petroleum Institute Inc.
American Society Of Composers Authors & Publishers
Balfour Beatty PLC
Bombardier Inc.
Burford Capital LLC
Cable News Network Inc.
Cable One Inc.
Cato Institute
Center on Budget and Policy Priorities
Comcast Corporation
DISH Network Corporation
Dragados USA Inc.
Duke Energy Corporation
Eli Lilly and Company
Facebook
FirstEnergy Corp.
General Motors
Global Automakers
HCR ManorCare
HDR Inc.
HNTB Corp.
Home Box Office Inc.
Huawei Technologies
International Business Machines Corporation
International Paper Co.

emergency grid authority on the heels of FirstEnergy Corp.'s controversial request the DOE use that authority to prop up the company's struggling coal and nuclear power plants. [Read more »](#)

DOI Watchdog Questions Legality Of Exec Reassignments

The U.S. Department of Interior's top watchdog said Wednesday it's unclear whether the agency legally reassigned dozens of senior executives, fueling criticism from Senate Democrats that the reassigned officials were politically targeted for their work on climate change, energy and conservation. [Read more »](#)

NY, Conn. Say EPA Should Act On Out-Of-State Smog By June

Given the "undisputed failure" of the U.S. Environmental Protection Agency to timely propose plans to curb smog pollution blown in from other states, the agency should only have until June to do so, New York and Connecticut told a federal judge Tuesday. [Read more »](#)

Earthjustice Reports Court Access Hampered Under Trump

Through administrative policies and legislation, the Trump administration and Congress are taking steps to limit or eliminate access to the courts, Earthjustice asserted in a report it released on Wednesday. [Read more »](#)

Gas Well Fee Exemption Ripe For Fraud, Pa. Justices Told

A recent decision exempting Pennsylvania natural gas drillers from paying required fees on their wells if they fall below a certain production threshold for one month out of the year could lead to dishonest manipulation of output levels, the state's highest court was warned during oral arguments Wednesday. [Read more »](#)

J.C. Penney Company Inc.
Kaspersky Lab Ltd.
Kinder Morgan
Liberty Media Corp.
MetLife Inc.
Molson Coors Brewing Company
Myriad Genetics, Inc.
NBCUniversal Inc.
National Restaurant Association
Neota Logic Inc.
New York Times Co.
Nokia Corporation
Omnicare Inc.
Owens Corning
PG&E Corporation
PJM Interconnection LLC
PayPal Inc.
Penske Automotive Group, Inc.
Planned Parenthood Federation
Prudential Financial Inc.
QEP Resources Inc.
Quill Corp.
Sierra Club
Southeastern Pennsylvania
Transportation Authority
Spotify Technology SA
Suddenlink Communications
TBS International Limited
The DIRECTV Group, Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Vera Institute of Justice Inc.
Viacom Inc.
Wal-Mart Stores Inc.
Wayfair LLC
ZTE Corp.

GOVERNMENT AGENCIES

Gas Groups Urge Trump To Limit State Pipeline Powers

The Natural Gas Council called on President Donald Trump on Tuesday to tell federal authorities to push back against states that are allegedly abusing their authority under the Clean Water Act and denying permits for gas pipelines given the go-ahead by federal agencies. [Read more »](#)

MEDIA & ENTERTAINMENT

Big Music Copyright Bill Heads To House Floor

A bill that would make major changes to how streaming music services like Spotify pay royalties was approved unanimously Wednesday by the House Judiciary Committee, sending it to the full chamber for a vote. [Read more »](#)

Trump Accuser Wants Discovery To Proceed During Appeal

Summer Zervos, the former "Apprentice" contestant who said Donald Trump had non-consensually kissed and groped her then sued him for defamation after he called her a liar, asked a New York appeals court Tuesday to let her case enter discovery despite his bid for a stay pending appeal. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Trump's STB Picks Sail Through Senate Panel Hearing

President Donald Trump's two nominees to the Surface Transportation Board, the nation's economic rail regulator, pledged to tackle freight rail service delays and maintain rail competition at their first confirmation hearing before the Senate Committee on Commerce, Science & Transportation on Wednesday. [Read more »](#)

Bureau of Citizenship and Immigration Services
California Franchise Tax Board
Commonwealth of Kentucky
Congressional Budget Office
Connecticut Attorney General's Office
Consumer Financial Protection Bureau
Copyright Royalty Board
Equal Employment Opportunity Commission
Executive Office for Immigration Review
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Financial Stability Oversight Council
Internal Revenue Service
Legal Services Corp.
Los Angeles World Airports
NAFTA
National Labor Relations Board
New York State Department of Environmental Conservation
Office of the Comptroller of the Currency
Pennsylvania Public Utility Commission
Pennsylvania Supreme Court
Securities and Exchange Commission
Surface Transportation Board
U.S. Army
U.S. Attorney's Office

LA City Council OKs \$4.9B Deal For LAX Train

The Los Angeles City Council unanimously approved a \$4.9 billion contract to a private consortium of construction firms to design, build, finance, operate and maintain an automated people mover train system at Los Angeles International Airport, marking the largest contract ever awarded in the city's history, officials said Wednesday. [Read more »](#)

EMPLOYMENT

Senate Confirms Morgan Lewis' Ring To Round Out NLRB

The U.S. Senate on Wednesday narrowly confirmed Morgan Lewis & Bockius LLP attorney John Ring to fill the National Labor Relations Board's only remaining vacancy, restoring the five-member board to full strength and clearing the way for the Trump administration to resume its pro-business overhaul of federal labor policy. [Read more »](#)

Ky. AG, Teachers, Police Challenge Pension Overhaul Bill

Hours after Kentucky Gov. Matthew Bevin signed into law a controversial bill aimed at overhauling the state's suffering pension systems, the state's Attorney General Andy Beshear and groups representing teachers and police officers there launched a lawsuit on Wednesday seeking to block the measure. [Read more »](#)

Cuomo Floats Ban On Job Applicant Pay Inquiries In NY

New York Gov. Andrew Cuomo took aim at the gender pay gap Tuesday with a legislative proposal that would block employers from asking job applicants about their past salaries or using such information to make salary offers. [Read more »](#)

COMPETITION

U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Personnel Management
U.S. Patent and Trademark Office
U.S. Secret Service
U.S. Senate
U.S. Supreme Court

Judge Challenges DOJ Expert On AT&T Control 'Assumption'

The D.C. federal judge overseeing the U.S. Department of Justice antitrust challenge to the AT&T-Time Warner merger asked the government's key expert pointed questions Wednesday on his assumptions that AT&T would influence Time Warner content negotiations, citing defense arguments that those negotiations are conducted independently. [Read more »](#)

FTC Won't Toss La. Real Estate Board Fee Case

The Federal Trade Commission refused on Tuesday to throw out an antitrust enforcement action against the Louisiana Real Estate Appraisers Board over its recent regulation controlling appraisal fees, ruling that the state does not have enough involvement with the regulation to shield the board with immunity under the so-called state action doctrine. [Read more »](#)

CYBERSECURITY & PRIVACY

Queries Over Data 'Control' Lead Day 2 Of Zuckerberg Grilling

Lawmakers questioning Facebook founder Mark Zuckerberg on Wednesday grappled with a key issue at the core of new European privacy rules becoming law in May — what it means for users to meaningfully be in control of their data. [Read more »](#)

CONSUMER PROTECTION

Mulvaney Tells House Members He Hasn't 'Blown Up' CFPB

Mick Mulvaney defended his leadership of the Consumer Financial Protection Bureau on Wednesday in his first congressional appearance as the agency's acting director, maintaining that he wants to improve the

agency but hasn't "blown the place up." Read more »

GOVERNMENT CONTRACTS

Ala.'s Shelby To Take Over Senate Appropriations Committee

Sen. Richard Shelby, R-Ala., will take over the powerful Senate Appropriations Committee, giving him chief authority over Senate spending legislation, after being approved for the chairman's role on Tuesday. Read more »

AEROSPACE & DEFENSE

Foreign-Born US Soldiers Get A Win In DOD Bias Suit

A Washington federal judge on Wednesday temporarily barred the U.S. Department of Defense from treating a putative class of naturalized U.S. citizens recruited through a U.S. Army program differently than native-born citizens when issuing security clearances. Read more »

INTERNATIONAL TRADE

Analysis

NAFTA Arbitration Substitutes May Spur Issues Of Their Own

Alternatives to investor-state arbitration that the U.S. trade representative proposed for a renegotiated North American Free Trade Agreement could repoliticize disputes and lessen protection for investors, former U.S. government officials told Law360. Read more »

TAX

9th Circ. Says Calif. Tax Delinquency List Constitutional

A California attorney failed in his quest to have the state's policies of publishing a top 500 delinquent state taxpayer list and suspending those taxpayers' driver's licenses deemed unconstitutional after the Ninth Circuit on

Wednesday ruled against his due process violation, equal protection and attainder claims. [Read more »](#)

Amazon, Other Cos. Avoid Tax On \$24.5B Profits, Study Says

A tax watchdog group on Wednesday said Amazon, Duke Energy and Kinder Morgan are among 15 companies that legally avoided paying federal income tax on about \$24.5 billion in profits in 2017, part of what the group said is the widespread nature of corporate tax avoidance schemes that predated December's federal tax overhaul. [Read more »](#)

House Subcommittee Wants \$77M More For IRS Funding

The U.S. House Appropriations Subcommittee on Financial Services is committed to providing an additional \$77 million in funding for the Internal Revenue Service to implement the recently passed federal tax law, Chairman Tom Graves, R-Ga., said Wednesday. [Read more »](#)

House IRS Reform Package Includes Property Protection

A bill requiring the Internal Revenue Service to wait at least 10 days before selling nonperishable seized property was approved by the U.S. House Committee on Ways and Means during a Wednesday hearing, along with 11 other bills meant to reform parts of the agency. [Read more »](#)

City's Tax Measure Didn't Mislead Residents, Texas Court Says

A Texas appellate court sided with the city of Friendswood on Tuesday, rejecting arguments from residents that the city council violated election code by placing a proposition for a new economic development tax on the ballot while failing to inform voters the funds would go to an economic development corporation. [Read more »](#)

Nixing Physical Presence Tax Rule Violates ITFA, Officials Say

A diverse group of current and former elected officials who oppose South Dakota's law requiring remote sellers to collect and remit use tax, even if sellers have no physical presence in that state, will urge the U.S. Supreme Court on April 17 to consider the Internet Tax Freedom Act as part of the landmark dispute. [Read more »](#)

Senator Says Vote For Tax Law Might Be One Of His Worst

Retiring Sen. Bob Corker, R-Tenn., slammed the recent federal tax overhaul during a Senate Budget Committee hearing on Wednesday, saying his vote in favor of the massive tax law could be "one of the worst" made in his political career. [Read more »](#)

IMMIGRATION

EOIR Halts Legal Aid Program For Immigrants In Detention

The Trump administration is halting a legal aid program that has informed detained immigrants about their constitutional rights since former President George W. Bush created it in 2003. [Read more »](#)

DHS Says Border Crossings Justify Money For Wall, Security

U.S. Department of Homeland Security Secretary Kirstjen Nielsen on Wednesday pointed to a 200 percent increase in border crossings as a rationale for House lawmakers to give the Trump administration what it wants for border security in the fiscal 2019 budget. [Read more »](#)

Calif. Authorizes Deployment Of National Guard Statewide

After some deliberation, California Gov. Jerry Brown agreed to accept federal funding to assign 400 members of the National Guard to combat transnational crime at the request of

President Donald Trump, according to a letter he wrote Wednesday to the U.S. Department of Homeland Security and U.S. Department of Defense. [Read more »](#)

TELECOMMUNICATIONS

Ban On Cos. Could Undercut Global Trade, Nokia Tells FCC

Finnish telecom giant Nokia asked the Federal Communications Commission this week to steer clear of flat bans on network components from countries such as China and Russia, saying the agency must instead scrutinize individual companies and affirm the validity of global supply chains. [Read more »](#)

WHITE COLLAR

Russian Co. Charged In Mueller Probe Hires Reed Smith

A Russian company allegedly behind attempts to sway U.S. voters' opinions ahead of the 2016 presidential election has hired Reed Smith LLP to represent it against charges brought by Special Counsel Robert Mueller, according to court documents filed on Wednesday. [Read more »](#)

EXPERT ANALYSIS

Roundup

Dissolving Practice

In this series, experts discuss the unique aspects of closing a law firm, and some common symptoms of dysfunctionality in a firm that can be repaired before it's too late. [Read more »](#)

2 Clear Takeaways From 9th Circ. Equal Pay Decision

On Monday, in *Rizo v. Yovino*, the Ninth Circuit held that prior salary, standing alone or in combination with other factors, cannot justify a wage differential between male and female employees under the Equal Pay Act.

Employers should note two significant aspects of the court's opinion, says Tara Presnell of Littler Mendelson PC. [Read more »](#)

Opinion

Attorney-Client Privilege Is Alive And Well

The FBI raid of the office of President Donald Trump's personal lawyer set off a firestorm of controversy about the sanctity of the attorney-client privilege, epitomized by Trump's tweet that the "privilege is dead." But attorney-client privilege is never taken lightly — I have battle scars from the times I have sought crime-fraud exceptions, says Genie Harrison of the Genie Harrison Law Firm. [Read more »](#)

LEGAL INDUSTRY

Feature

How To Foster An Innovative Law Firm Environment

Large law firms are often slow to embrace change and lawyers are notoriously risk-averse, but with the right measures in place firms can create an environment where innovation can flourish. Here are four ways law firms can further groundbreaking ideas. [Read more »](#)

GCs Tell Legal Marketers How Firms Can Stand Out

In order to win and retain business, firms need to deliver useful and timely updates to clients and establish their attorneys as experts in their clients' industries or in practice areas where they most require counsel, among other strategies, a panel of in-house leaders told legal marketers at a conference in New Orleans on Wednesday. [Read more »](#)

Feature

Buchanan Atty Tapped For 3rd Circ. Boasts Deep Pa. Roots

Buchanan Ingersoll & Rooney PC shareholder David J. Porter's nomination to the Third Circuit, where he once clerked, has drawn

praise due to his litigation experience and deep roots in Pennsylvania's legal community, though the unabashed conservative appears poised to face tough questions over how his judgeship might impact issues ranging from employment disputes to civil rights. [Read more](#)
»

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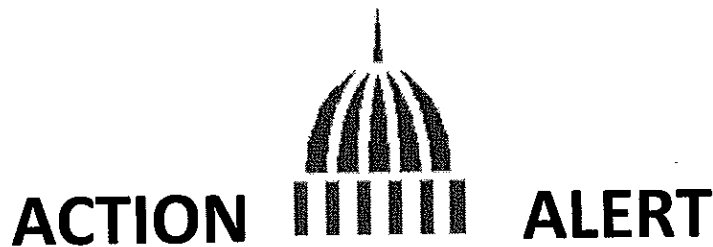
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From: Ben Husch
Sent: Tuesday, April 17, 2018 3:52 PM
To: Rep48
CC: Kristen Hildreth
Subject: NCSL ACTION ALERT - Urge Members of the House Agriculture Committee to OPPOSE STATE PRE-EMPTION of State Agricultural Laws and Statutes



National Conference of State Legislatures
Office of State-Federal Relations

April 17, 2018

**Urge Members of the House Agriculture Committee to
OPPOSE PRE-EMPTION of State Agricultural Laws
and Statutes**

NCSL is requesting your assistance in reaching out to members of the House Agriculture Committee as they mark up the Agriculture and Nutrition Act of 2018, commonly known as the Farm Bill and urging them to oppose The Protect Interstate Commerce Act of 2018 from Rep. Steve King (R-Iowa).

The Protect Interstate Commerce Act of 2018, **which may be offered as an amendment during the committee's markup**, would vastly expand pre-emption of state and local agricultural laws and statutes that aim to protect the safety and well-being of your state's farmland, waterways, forests, and most important, the health and welfare of your constituents.

Unfortunately, the bill would not protect interstate commerce, but rather, significantly threatens the rights and responsibilities afforded to states under the tenth amendment that have a much greater understanding of the need of their individual communities to retain this authority. **Specifically, the bill allows any state law,**

statute or rule concerning the production or manufacture of an agricultural good to be nullified by a court of law if another state or locality has a law, statute or rule on the same agricultural product. This essentially creates an pre-emption so vast its reach is potentially infinite.

Earlier this year, NCSL, along with the National Association of Counties, National League of Cities and the International City and County Managers Association sent up a joint letter of opposition.

The House Agriculture Committee will mark up its 2018 Farm Bill TOMORROW MORNING, Wednesday, April 18 at 10 AM ET. For a list of committee members and contact information see the chart below.

For additional information or questions regarding the legislation, or help in contacting your member of congress, please contact NCSL staff Ben Husch (202-624-7779) or Kristen Hildreth (202-624-3597).

Majority Members	Minority Members
<u>K. MICHAEL CONAWAY – CHAIRMAN – (TX-11)</u>	<u>COLLIN C. PETERSON – RANKING MEMBER - (MN-07)</u>
<u>GLENN THOMPSON (PA-05)</u>	<u>JIM COSTA (CA-16)</u>
<u>BOB GOODLATTE (VA-06)</u>	<u>TIMOTHY J. WALZ (MN-01)</u>
<u>FRANK D. LUCAS (OK-03)</u>	<u>MARCIA L. FUDGE (OH-11)</u>
<u>STEVE KING (IA-04)</u>	<u>JIM MCGOVERN (MA-02)</u>
<u>MIKE ROGERS (AL-03)</u>	<u>FILEMON VELA (TX-34)</u>
<u>BOB GIBBS (OH-07)</u>	<u>MICHELLE LUJAN GRISHAM (NM-01)</u>
<u>AUSTIN SCOTT (GA-08)</u>	<u>RICK NOLAN (MN-08)</u>
<u>RICK CRAWFORD (AR-01)</u>	<u>CHERI BUSTOS (IL-17)</u>
<u>SCOTT DESJARLAIS (TN-04)</u>	<u>SEAN PATRICK MALONEY (NY-18)</u>
<u>VICKY HARTZLER (MO-04)</u>	<u>STACEY PLASKETT (VI-At Large)</u>
<u>JEFF DENHAM (CA-10)</u>	<u>ALMA ADAMS (NC-12)</u>
<u>DOUG LAMALFA (CA-01)</u>	<u>DWIGHT EVANS (PA-02)</u>
<u>RODNEY DAVIS (IL-13)</u>	<u>AL LAWSON, JR. (FL-05)</u>
<u>TED YOHO (FL-03)</u>	<u>JIMMY PANETTA (CA-20)</u>
<u>RICK ALLEN (GA-12)</u>	<u>TOM O'HALLERAN (AZ-01)</u>
<u>MIKE BOST (IL-12)</u>	
<u>DAVID ROUZER (NC-07)</u>	
<u>RALPH ABRAHAM (LA-05)</u>	
<u>TRENT KELLY (MS-01)</u>	
<u>JAMES COMER (KY-01)</u>	
<u>ROGER MARSHALL (KS-01)</u>	

DON BACON (NE-02)

JOHN FASO (NY-19)

NEAL DUNN (FL-02)

JODEY ARRINGTON (TX-19)

From: Public Policy Law360
Sent: Wednesday, April 18, 2018 4:28 AM
To: Rep48
Subject: Justices Drop Microsoft Warrant Row, But Fight Far From Over



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Wednesday, April 18, 2018



TOP NEWS

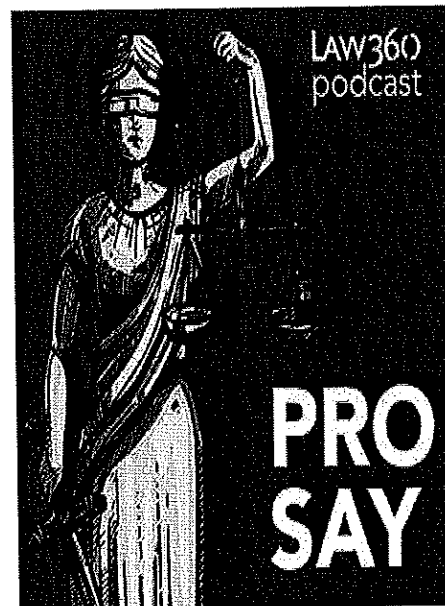
Analysis

Justices Drop Microsoft Warrant Row, But Fight Far From Over

Recently enacted federal legislation permitting prosecutors to reach user data stored abroad may have dealt the knockout blow to a U.S. Supreme Court dispute involving Microsoft, but the ability for service providers to continue to challenge international data grabs under the new regime means more fights aren't far off, attorneys say. [Read more »](#)

High Court Cans Microsoft Warrant Row After Congress Acts

The U.S. Supreme Court on Tuesday dismissed a closely watched dispute over the federal government's ability to access data stored abroad by service providers such as Microsoft, agreeing that recently enacted federal legislation that sets standards for such international data grabs mooted the dispute. [Read more »](#)



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Barnes & Thornburg

Blank Rome

Supreme Court Frustrated With Arguments In Wayfair Case

The U.S. Supreme Court appeared divided Tuesday on the question of whether a state could compel remote sellers with no physical presence in the state to collect and remit use tax, with several justices seeming frustrated with the policy-filled arguments. [Read more »](#)

Analysis

Steel Tariff Fears Wreaking Havoc On Construction Market

Developers always face a degree of built-in uncertainty due to the nature of their work, but fears of possible tariffs on foreign steel have created a maelstrom in the sector, making it nearly impossible to price projects in the pipeline, according to experts. [Read more »](#)

Analysis

For First Time, In 5-4 Ruling, Gorsuch Is With The Liberals

U.S. Supreme Court Justice Neil Gorsuch turned heads Tuesday by abandoning his conservative colleagues to join the four liberal justices in a 5-4 immigration ruling, but experts who have kept a close eye on the Trump appointee say the move fits neatly with his originalist judicial philosophy. [Read more »](#)

House OKs Public Access To Tax-Exempt Orgs' Returns

The public would have the ability to inspect tax-exempt organizations' electronically filed tax returns because of a bill the U.S. House of Representatives passed Tuesday, as part of a slew of tax-related bills considered by the chamber. [Read more »](#)

BANKING & SECURITIES

Fed Vice Chair Says Volcker Rule's Onerousness 'Unarguable'

It's "unarguable" that the Volcker Rule is detrimental to capital markets, the Federal Reserve's vice chairman for supervision told

Borden Ladner
Bracewell
Brann & Isaacson
Bryan Cave
Cotsirilos Tighe
Covington & Burling
Cravath Swaine
Dentons
Dickstein Shapiro
Dorsey & Whitney
Fenwick & West
Fisher Phillips
Garland Samuel
Gibson Dunn
Goldstein & Russell
Goulston & Storrs
Holland & Knight
Kleinbard LLC
Liddle & Robinson
McDonnell Boehnen
Nixon Peabody
Norton Rose Fulbright
O'Melveny & Myers
Orrick Herrington
Patterson Belknap
RJS Law
Rasco Klock
Reed Smith
Saul Ewing
Schiff Hardin
Seyfarth Shaw
Sidley Austin
Stroock & Stroock
Venable LLP
White & Case
White and Williams
Wilenchik & Bartness
WilmerHale

lawmakers on Tuesday, less than a week after the U.S. House passed legislation that would put the Fed in charge of writing regulations under the controversial post-crisis restraint on proprietary trading by banks. [Read more »](#)

ENERGY & ENVIRONMENTAL

Zinke Declines To Lower Offshore Drilling Royalty Rates

The royalty rate on future offshore oil and gas lease sales won't be lowered "at this time," the Department of the Interior announced on Tuesday, adding that a move wasn't necessary in part because of the healthy economy and the new federal tax law. [Read more »](#)

State Pushback Of Grid Policy Vexes FERC Commissioners

Federal Energy Regulatory Commissioners defended their unanimous decision to reject a controversial plan to pay coal and nuclear power plants for contributing to grid resiliency at a House energy panel hearing Tuesday, though they didn't appear united on how to address resiliency amid rapidly changing electricity sources. [Read more »](#)

COMPETITION

AT&T-Time Warner Will Hurt Small Cable Providers, CEO Says

A small cable company's CEO warned Tuesday in D.C. federal court that he's already seen one merger between a pay-TV distributor and a television programmer impose competitively detrimental contract terms, and the same could happen with the merger between AT&T and Time Warner being challenged by the U.S. government. [Read more »](#)

CYBERSECURITY & PRIVACY

House Passes Child Social Security Verification Bill

COMPANIES

AT&T Inc.
American Bar Association
American Civil Liberties Union
Charter Communications Inc.
Chevron Corporation
Comcast Corporation
Electronic Privacy Information Center
FiberTower Corporation
Gilbane Inc.
Google Inc.
Home Box Office Inc.
IHS Markit Ltd.
ISO New England Inc.
Information Systems Audit and Control Association Inc.
Jones Lang LaSalle Inc.
LinkedIn Corp.
Microsoft Corporation
NBCUniversal Inc.
National Association of Broadcasters
New York State Bar Association
Nokia Corporation
Public Knowledge
RCN Corp.
Sierra Club
Straight Path Communications Inc.
TAM SA
Tax Foundation
The DIRECTV Group, Inc.
Time Warner Inc.
TransCanada Corporation
Turner Broadcasting System Inc.
Verizon Communications
Vertex Inc.
Visiting Nurse Service of New York

The House of Representatives passed a bill Tuesday to establish a new database meant to prevent a type of identity theft frequently used against children and recent immigrants to the country by allowing financial institutions to verify a person's name and Social Security number. [Read more »](#)

CONSUMER PROTECTION

Senate Takes Up Measure Nixing CFPB Auto Lending Rule

The Senate voted Tuesday to take up a measure that would invalidate a 2013 Consumer Financial Protection Bureau guidance on discrimination in auto lending, using the Congressional Review Act to invalidate federal rules reaching back years. [Read more »](#)

AEROSPACE & DEFENSE

Pence Launches New Space Traffic Management Policy

Vice President Mike Pence, acting in his role as chief of the National Space Council, announced a new policy Monday intended to manage space traffic, a response to the increasing level of space activity in recent years. [Read more »](#)

VA Chief Nominee Won't Privatize Agency, Senator Says

Veterans Affairs secretary nominee Ronny Jackson has pledged that he won't support privatizing the U.S. Department of Veterans Affairs, Sen. Jon Tester, D-Mont., said Tuesday, while also noting that he remains to be convinced whether Jackson "has what it takes" to run the VA. [Read more »](#)

Armed Services Chair Seeks To Shake Up DOD Agencies

House Armed Services Committee Chairman Mac Thornberry, R-Texas, put forward two proposals Tuesday for reform at the U.S.

Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Defense Health Agency
Defense Information Systems Agency
Defense Intelligence Agency
Defense Logistics Agency
Defense Technical Information Center
Department of Commerce
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Government Accountability Office
Internal Revenue Service
National Aeronautics and Space Administration
National Economic Council
National Geospatial-Intelligence Agency
National Institute of Standards and Technology
National Security Agency
Office of the Comptroller of the Currency
Pennsylvania Supreme Court
Securities and Exchange Commission

Department of Defense, which would eliminate some DOD agencies and reorganize others and continue an ongoing push for acquisition changes. [Read more »](#)

INTERNATIONAL TRADE

US Questions China's WTO Moves, But Will Sit For Talks

The Trump administration has pushed back against China's recent World Trade Organization challenges of U.S. enforcement moves regarding metal tariffs and actions to counter Beijing's intellectual property regime, but has nevertheless agreed to talk about resolving the escalating trade imbroglio, according to WTO documents unsealed Tuesday. [Read more »](#)

Trump Adviser Says TPP Pivot Unrelated To China Blitz

The Trans-Pacific Partnership was billed by the Obama administration as a way to counter China's economic dominance in Asia, but President Donald Trump's recent decision to consider rejoining that pact stands apart from his trade enforcement blitzkrieg against Beijing, a top White House adviser said Tuesday. [Read more »](#)

TAX

IRS Grants 1-Day Filing Extension After System Outage

The Internal Revenue Service is giving taxpayers a one-day extension to file and pay their taxes after experiencing technical difficulties with its online filing system on Tuesday. [Read more »](#)

IRS Commissioner Promises Better Service At House Hearing

The Internal Revenue Service will improve its customer service, especially for taxpayers using call centers instead of the agency's website, IRS acting Commissioner David J.

Social Security Administration

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Navy

U.S. Senate

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

World Trade Organization

Kautter promised a panel of U.S. House members during a subcommittee hearing of the House Oversight and Government Reform Committee on Tuesday. [Read more »](#)

Some 10,800 Sales Tax Jurisdictions Await Wayfair Answers

An exponential increase in places that levy sales and use taxes during the past 25 years has created a scenario in which an estimated 10,801 localities are awaiting an answer from the Supreme Court, the Tax Foundation said Tuesday, further raising the stakes in the landmark South Dakota v. Wayfair case. [Read more »](#)

Professionals Predict Win For South Dakota In Wayfair Case

The Supreme Court is likely to side with South Dakota in the remote sales tax case, professionals at a Retail Industry Leaders Association conference said Tuesday, the same day the justices heard oral arguments in South Dakota v. Wayfair. [Read more »](#)

IMMIGRATION

Atty's Ex-Clerkship Shouldn't DQ Him From Immig. Suit: Judge

A Massachusetts federal judge on Monday gave notice that a second former law clerk of his has joined a team of attorneys representing a putative class of immigrant spouses challenging a crackdown on so-called illegitimate marriages, but argued against ejecting the current WilmerHale lawyer from the case. [Read more »](#)

Gov't Wrongly Ended Protections For Haitians, Nonprofit Says

A nonprofit group of lawyers who represent immigrants said Tuesday they've been handed Freedom of Information Act documents showing that the Trump administration ignored reports of still-terrible conditions in Haiti when it

decided last year to cut off deportation protections in place since 2010. [Read more »](#)

TELECOMMUNICATIONS

FCC's Clyburn To Retire Within A Month In Surprise Move

At the end of a Federal Communications Commission meeting with an otherwise routine agenda, Commissioner Mignon Clyburn made a surprise announcement that she is stepping down from the agency within the next month. [Read more »](#)

FCC Adds \$742M More To Refund Broadcast Repack Costs

The Federal Communications Commission said Monday it will allocate \$742 million in new funding to reimburse broadcasters for costs related to new channel assignments following auctions to reassign broadcast spectrum for wireless broadband use. [Read more »](#)

FCC Advances National Security Plan With Assurances

During its monthly meeting Tuesday, the Federal Communications Commission voted to move forward with a rulemaking that contemplates cutting off communications subsidies from companies that may threaten U.S. networks, with commissioners offering assurances that the fledgling item still has a long way to go. [Read more »](#)

WHITE COLLAR

Deal Could End Sanctions For Hastert Whistleblower

An Illinois federal judge said Tuesday he would reconsider his sanctions order against a business partner of former U.S. Speaker Dennis Hastert over a recently tossed whistleblower suit, urging the parties to work out their issues in settlement negotiations instead. [Read more »](#)

9th Circ. Orders Special Prosecutor In Arpaio Pardon Row

After the U.S. Department of Justice abandoned its prosecution of the case, a split Ninth Circuit panel agreed in a published decision Tuesday to appoint a private attorney to prosecute former Maricopa County Sheriff Joe Arpaio's appeal as he attempts to erase a criminal contempt conviction following President Donald Trump's pardon in the matter. [Read more »](#)

POLITICS

Pa. Senator Ordered To Pay Fees In Gerrymandering Fight

A Pennsylvania federal judge has ordered a state senator to personally pay legal fees generated by a bungled attempt to transfer a landmark gerrymandering dispute out of state court, with the senator already saying he plans to appeal. [Read more »](#)

EXPERT ANALYSIS

What's New In NIST's Updated Cybersecurity Framework

On Tuesday, the National Institute for Standards and Technology released a revised version of its standard-setting Cybersecurity Framework, once again producing a useful, flexible document that can be applied or adapted by a wide range of companies, says Alan Raul, leader of Sidley Austin LLP's cybersecurity practice. [Read more »](#)

Tax Reform, Hollywood And The Media: Part 2

The Tax Cuts and Jobs Act has imposed new limitations on a corporation's ability to take advantage of net operating losses. Certain changes will disproportionately affect media companies, impacting their debt restructuring, acquisition and disposition strategies, say

Michele Alexander and Ryan Davis of
Bracewell LLP in New York. [Read more »](#)

Equal Pay Act Is Closing In On Mass. Employers

Massachusetts' attorney general recently issued helpful guidance on the state's new Equal Pay Act, including some safe harbor defenses against this strict liability law. But to enjoy full protection, employers need to act soon, as the law goes into effect on July 1, says Sonia Macias Steele of Goulston & Storrs PC. [Read more »](#)

5 Ways Law Firms Are Becoming More Like Hotels

One way law firms differentiate themselves from the competition to attract and retain top talent is through their real estate and workplace strategies. Taking a lead from the hospitality industry can help create a more inviting, welcoming and collaborative workspace environment, says Bella Schiro of Jones Lang LaSalle Inc. [Read more »](#)

LEGAL INDUSTRY

Feature

5 Financial Landmines Young Attorneys Should Avoid

Junior associates riding high on their new BigLaw paychecks may be tempted to spend money now and think about the future later, but doing so could set them up for major financial hardship down the road. Here, five big money mistakes to avoid as a young attorney. [Read more »](#)

Feature

Ex-Judge Calls On Men To Help Close Litigation Gender Gap

Retired U.S. District Judge Shira Scheindlin told an audience at a Reed Smith LLP symposium on gender diversity in the courtroom on Tuesday that she hoped to see more senior male attorneys acting as allies to help younger, female lawyers more regularly

take on prominent roles in litigation. Read more »

Ex-Liddle Partner Hammers Firm In \$32M Equal Pay Suit

A former Liddle & Robinson LLP partner has sued the employment firm in New York state court alleging she was paid less than her male peers for equal work based on her gender, issuing a summons Monday that requested \$32.3 million in damages. Read more »

Ex-BigLaw Atty Blasts Murder Charges At Trial's Close

Counsel for a former Fisher & Phillips LLP partner who fatally shot his wife told an Atlanta jury during closing arguments that prosecutors were trying to support murder charges with "speculation and red herrings," while the prosecution fired back with a theatrical argument that the attorney consistently lied about the facts. Read more »

Dentons Canada Partner Suspended After Fatal Hit-And-Run

A Dentons partner in Edmonton, Alberta, charged with impaired driving and being involved in a hit-and-run collision that killed a teenage pedestrian, has been suspended, the global law firm said Tuesday. Read more »

Attys Must Admit Some Errors To Current Clients, ABA Says

Lawyers have an ethical duty to tell current clients if they discover they have made a potentially significant mistake in the course of the representation, but the obligation does not extend to former clients, the American Bar Association said on Tuesday. Read more »

Guest Feature

Michael Rubinoff: From Commercial Real Estate To Broadway

"Come From Away" sounds like the stuff of a documentary on the Discovery Channel, not singing and dancing on stage. How could a

musical tied to the 9/11 terrorist attacks ever get made — and by a real estate lawyer? The show's producer, Michael Rubinoff, was kind enough to find 30 minutes to tell me, says Randy Maniloff. [Read more »](#)

JOBS

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Sent: Monday, April 23, 2018 5:57 AM
To: Rep48
Subject: Possible Trouble On Horizon For ALJs In High Court Case



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Monday, April 23, 2018



TOP NEWS

Analysis

Possible Trouble On Horizon For ALJs In High Court Case

A ruling by the U.S. Supreme Court that the U.S. Securities and Exchange Commission's administrative law judges were hired in violation of the Constitution would likely open up some past ALJ decisions to challenges, legal experts agree, but the fallout should be limited to cases still pending judicial review, whereas defendants whose cases are already final could be out of luck. [Read more »](#)

Feature

Litigation Funding Isn't Just For The Little Guy Anymore

As their industry gains acceptance and a greater foothold in the legal marketplace, commercial litigation financing firms are finding themselves not only helping Davids level the playing field, but also Goliaths with respect to better managing risk and deploying their resources more strategically. [Read more »](#)

[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy
Alston & Bird
Arnold & Porter
Baldwin Crocker
Ballard Spahr
Bernstein Litowitz
Boies Schiller

Feature

Mapping The Travel Ban's Journey To The High Court

Next week, the U.S. Supreme Court will hear oral arguments over the extent of the president's power to control immigration policy and whether President Donald Trump has shown anti-Muslim animus in a case challenging the most recent version of his travel ban. With all eyes turning to the justices, here is a play-by-play of how we got here. [Read more »](#)

Dems Look To Shield Offshore Rules From Trump Rollback

Eight years after the Deepwater Horizon disaster that killed 11 and sent plumes of oil spraying into the Gulf of Mexico for months, a group of Democratic senators Thursday proposed codifying two Obama-era rules aimed at tightening regulations for offshore drilling after the Trump administration moved to reconsider them. [Read more »](#)

Analysis

Undoing CFPB Guidance May Yield Unintended Effects

The U.S. Senate's recent passage of a measure to scrap Consumer Financial Protection Bureau guidance on auto lending has been framed by supporters as a business-friendly move to rein in a rogue agency, but some experts say this use of the Congressional Review Act could lead to greater uncertainty and more regulation by enforcement. [Read more »](#)

Feature

3 Years Later: Is Tribal Recognition Still 'Broken'?

Nearly three years have passed since the U.S. Department of the Interior revised its regulations for tribes seeking federal acknowledgment in order to fix a process the DOI's own officials called "broken," and although those revisions have made the agency more transparent and responsive,

Brown Rudnick
Buckley Beal
Cantey Hanger
Casillas Santiago
Cohen Milstein
Cooper & Kirk
Cravath Swaine
Crowe & Dunlevy
Day Pitney
Dentons
Dickinson Wright
Elliott Greenleaf
Eversheds Sutherland
Florio Perrucci
Fried Frank
Gibson Dunn
Goodwin
Haynes and Boone
Hogan Lovells
Hunton Andrews Kurth
Jones Day
K&L Gates
Katten Muchin
Kirkland & Ellis
Klee Tuchin
Latham & Watkins
LeClairRyan
Lewis Rice
Mayer Brown
McDermott Will
McGuireWoods
Morgan Lewis
Mumphrey Law Firm LLC
Native American Rights Fund
Nixon Peabody
Paul Hastings
Paul Weiss
Perkins Coie

many tribes with strong claims to recognition may still be left out in the cold, experts say. [Read more »](#)

ENERGY & ENVIRONMENTAL

Monsanto Appeal Can't Keep Herbicide Off Calif. Cancer List

A California appeals court on Thursday refused to revive Monsanto Co.'s lawsuit challenging a state agency's inclusion of the herbicide glyphosate on a list of carcinogens, which could require the company to put warning labels on its popular Roundup weed killing products because glyphosate is an active ingredient. [Read more »](#)

Fed. Circ. Says Taking Claim Fails In Katrina Flooding Fight

The federal government can't be held liable for damage caused by Hurricane Katrina-related flooding under the Fifth Amendment based on lackluster maintenance of a navigation channel, the Federal Circuit ruled Friday, reversing a U.S. Court of Federal Claims decision. [Read more »](#)

NJ Gov. Signs Law Banning Offshore Drilling

Newly minted New Jersey Gov. Phil Murphy signed into law a bipartisan bill on Friday that bans offshore oil and gas drilling in the state's waters and beyond, a move that comes as a rebuke to the Trump administration's efforts to undo Obama-era restrictions on the activity in the Atlantic and Pacific oceans. [Read more »](#)

Exxon Takes AG Climate Probe Fight To 2nd Circ.

Oil giant ExxonMobil said Friday it will appeal to the Second Circuit a New York federal judge's dismissal of its suit claiming the attorneys general of New York and Massachusetts conspired to violate its free

Quinn Emanuel
Robbins Russell
Ropes & Gray
Rosette LLP
Sam P. Israel PC
Saul Ewing
Skadden
Slack Davis
Squire Patton Boggs
Sterne Kessler
Stroock & Stroock
Willkie Farr
WilmerHale
Zelle LLP

COMPANIES

AT&T Inc.
Accenture plc
Aetna Inc.
American Bar Association
American Cable Association
American Civil Liberties Union
American Intellectual Property Law Association
American Petroleum Institute Inc.
Burford Capital LLC
Career Education Corporation
Center for American Progress
Comcast Corporation
Costco Wholesale Corporation
Deloitte Touche
Democratic National Committee
Electronic Privacy Information Center
Eli Lilly and Company
Equifax Inc.
Exxon Mobil Corporation
Facebook
FactSet Research Systems Inc.

speech rights on climate change issues by investigating the company. [Read more »](#)

Senate Dems Press For Info On Koch Ties To Trump Policies

Senate Democrats have demanded information from President Donald Trump and several federal agencies including the EPA and the U.S. Department of Labor concerning the alleged "sweeping infiltration" of the current administration by the Koch brothers and their affiliates, Sen. Sheldon Whitehouse, D-R.I., announced Friday. [Read more »](#)

NY Beefs Up Energy Efficiency Targets To Drive GHG Cuts

New York Gov. Andrew Cuomo on Friday unveiled a new energy efficiency target that aims to significantly slash buildings' energy use by 2025, saying the reductions will help the Empire State reach the goal of cutting its greenhouse gas emissions by 40 percent from 1990 levels by 2030. [Read more »](#)

HEALTH & LIFE SCIENCES

FDA Offers Guidance On Making Opioid Addiction Treatments

The U.S. Food and Drug Administration released draft guidance Friday outlining ways drug companies can develop new medications to treat opioid addiction, focusing on how companies can create modified-release drugs that are either implanted or injected. [Read more »](#)

7th Circ. Says Indiana Abortion Law Is Unconstitutional

The Seventh Circuit found most of an Indiana law banning abortions based on a fetus' race, sex or disability unconstitutional Thursday, handing a win to Planned Parenthood as it affirmed a district court's ruling striking down the bulk of the law. [Read more »](#)

Fortress Investment Group LLC
Garden City Group Inc.
Google Inc.
Grant Thornton LLP
HP Inc.
Huawei Technologies
IMF Bentham Ltd.
IP Owners Association
Instagram Inc.
International Business Machines Corporation
Johnson & Johnson
Jones Lang LaSalle Inc.
Kaspersky Lab Ltd.
Koch Industries Inc.
Kroll Bond Rating Agency Inc.
Lucas Group
Major Lindsey & Africa
Microsoft Corporation
Miller Buckfire & Co. LLC
Monsanto Company
Moody's Corporation
NBCUniversal Inc.
National Congress of American Indians
National Consumer Law Center
Natural Resources Defense Council
Planned Parenthood Federation
PricewaterhouseCoopers
Public Company Accounting Oversight Board
SAP AG
Sierra Club
Sinclair Broadcast Group, Inc.
Southwest Airlines Co.
SuccessFactors, Inc.
The Boeing Company
The Coca-Cola Company

Pa. Court Won't Derail State's Medical Marijuana Program

A Pennsylvania court agreed on Friday that a company that lost out on a potentially lucrative cannabis dispensary permit needed to exhaust administrative remedies before it could file suit challenging the constitutionality of the application process for the state's new medical marijuana program. [Read more »](#)

Experts Look To Congress To Stem Patent-Eligibility 'Chaos'

The U.S. Supreme Court's patent-eligibility decisions like *Alice* have caused "total chaos" that diminishes patent protection for software and medical diagnostics, and it may be time for Congress to step in, the former director of the USPTO and other patent leaders said at a conference Friday. [Read more »](#)

Tax Critic Laments Federal Code's Effect On Marijuana Market

A tax critic told a marijuana conference Friday that current tax laws are unfairly hampering the legal marijuana industry by making cannabis dispensaries subject to a provision that disallows tax deductions for entities involved in the trafficking of illegal products. [Read more »](#)

COMPETITION

The Big Picture: DOJ's Bid To Halt AT&T's Time Warner Deal

Antitrust legal eyes are glued to the first U.S. Department of Justice court challenge to a purely vertical merger since the 1970s, a deal AT&T and Time Warner say they need just to stay competitive but which the government says will drive up consumers' TV bills by hundreds of millions of dollars. Here, Law360 looks at how we got here, the key issues to watch and the highlights of the trial so far. [Read more »](#)

CONSUMER PROTECTION

The DIRECTV Group, Inc.
Time Warner Inc.
Tribune Media Co.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Verizon Communications
Wayfair LLC
ZTE Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
California Attorney General's Office
California Environmental Protection Agency
Congressional Budget Office
Consumer Financial Protection Bureau
Eastern Shoshone Tribe
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Housing Administration
Federal Judicial Center
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Indiana Department of Health
Internal Revenue Service
National Institutes of Health
National Labor Relations Board
National Transportation Safety Board

Ed Dept. Hiding Ties To For-Profit Colleges, Nonprofit Claims

The National Consumer Law Center sued the U.S. Department of Education in Massachusetts federal court Thursday, claiming the agency has illegally denied it access to public documents that reveal the for-profit college industry has driven the government to stall new regulations that help student loan borrowers. [Read more »](#)

CYBERSECURITY & PRIVACY

Senator Wants Fines, Tighter Leash On Facebook By FTC

A Democratic senator is pushing the Federal Trade Commission to fine and tighten its oversight of Facebook in the wake of revelations that Cambridge Analytica harvested 87 million unwitting Facebook users' data, while a privacy group is separately pressuring the commission to release the full versions of independent audits of Facebook's privacy practices. [Read more »](#)

Many Cos. Likely Won't Be Ready For GDPR, Survey Finds

The European Union's sweeping new data regime is set to take effect next month, but many companies aren't on track to be in compliance by the deadline, according to a McDermott Will & Emery LLP-sponsored study released Friday, with almost half of the businesses surveyed saying they don't expect to be ready. [Read more »](#)

DNC Sues Trump Campaign, Russia Over 2016 Election Hacks

The Democratic National Committee filed suit Friday in New York federal court accusing the Russian government, the Trump campaign and WikiLeaks of conspiring to hack the Democratic Party and doom Hillary Clinton's chances at the 2016 presidential election. [Read more »](#)

New Jersey Department of Environmental Protection
New York Attorney General's Office
New York State Department of Public Service
Northern Arapaho Tribe
Omaha Tribe of Nebraska
Pennsylvania Department of Health
Pennsylvania Supreme Court
Port Authority of New York & New Jersey
Securities and Exchange Commission
Shinnecock Indian Nation
Solicitors Regulation Authority
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Housing and Urban Development
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United Nations
World Health Organization
Wyoming Attorney General's Office

GOVERNMENT CONTRACTS

Whistleblower Claim Window Would Quadruple In Pa. Bill

A Pennsylvania lawmaker introduced a bill Thursday that would quadruple the window for claims brought under the state's whistleblower law and allow for punitive damage awards to workers. [Read more »](#)

AEROSPACE & DEFENSE

Navy Sec. Seeks Way To Keep Adversaries Out Of DOD Deals

Navy Secretary Richard Spencer at a Senate panel hearing Thursday called on the U.S. Department of Defense to develop an algorithm to detect and prevent instances of adversaries accessing sensitive information through contracts, pointing to a close call involving Chinese telecommunication equipment company Huawei Technologies. [Read more »](#)

Analysis

Rare Southwest Engine Failure Prompts Liability Questions

The death of a Southwest Airlines passenger following a midair engine explosion marked the first U.S. commercial airline fatality in nine years, sparking liability questions for the carrier and aircraft and parts manufacturers along with heightened scrutiny of aircraft inspection and maintenance protocols, legal experts say. [Read more »](#)

TAX

Analysis

New VAT Rates May Help China Retain Multinational Firms

A seemingly small change to China's value-added tax rates set to go into effect next month may not be enough to give China an edge over the U.S. in drawing new businesses, but it

could encourage existing multinational businesses to stay put. [Read more »](#)

Analysis

Politics Of Online Taxation Put Wayfair Case In High Court

The issue of how states may tax remote sellers — a policy concern — arrived at the U.S. Supreme Court because the politics of getting legislation through Congress have proved nearly impossible, experts say. [Read more »](#)

TCJA Will Be Boon To Foreign Investors, CBO Estimates

Foreign investors stand to reap 43 percent of the economic benefits from the federal tax overhaul's effects on federal tax law during the next 11 years, according to a recent report from the Congressional Budget Office. [Read more »](#)

BANKRUPTCY

Feature

Puerto Rico Sales Tax Bond Fight Sparks Muni Market Anxiety

Municipal bond investors are paying close attention to what happens in a pending court fight over the validity of bondholder liens on Puerto Rican sales tax, experts say, warning of widespread consequences should investments thought to be bankruptcy-proof turn out otherwise. [Read more »](#)

IMMIGRATION

No Asylum For Cameroon Gay Rights Backer, 11th Circ. Says

The Eleventh Circuit refused to hear arguments Thursday by a Cameroonian man after the Board of Immigration Appeals turned down his bid for asylum, finding that he did not suffer persecution by the African nation's police for his views on gay rights. [Read more »](#)

NATIVE AMERICAN

Wyo. City, County Urge Justices To Snub Tribes' Land Suits

A Wyoming county and city urged the U.S. Supreme Court on Friday to reject bids by two Native American tribes to overturn a Tenth Circuit decision that shrank their shared Wyoming reservation, saying the ruling didn't create a circuit split and that the language of a 1905 law at issue in the case is like that in other laws that diminished the size of reservations. [Read more »](#)

TELECOMMUNICATIONS

Despite Fog, FCC's Net Neutrality Deregulation Still Pending

Despite widespread confusion on when the FCC's net neutrality deregulation will take effect, the Obama-era web management rules will remain in place until a White House office approves certain transparency requirements included in the deregulation package, agency officials have confirmed to Law360. [Read more »](#)

DC Circ. Skeptical Of FCC's Rationale To Restore UHF Break

A D.C. Circuit panel grilled the Federal Communications Commission Friday over its revival of an obsolete technical distinction that lets broadcasters reach a higher percentage of U.S. households, as the FCC claimed "procedural discretion" for a holistic approach to address what it considers a too-restrictive cap on broadcaster reach. [Read more »](#)

Philly's Satellite Dish Rules Are Too Broad, FCC Rules

The Federal Communications Commission found little love for Philadelphia's ordinance restricting the placement of satellite dishes, ruling that the city's law ran afoul of federal rules for placement of the devices. [Read more »](#)

WHITE COLLAR

Fired FBI Deputy McCabe Getting Legal Defense Fund

Andrew McCabe's lawyer announced Friday the creation of a legal defense fund for the fired FBI deputy director and frequent target of President Donald Trump who is now considering civil litigation against the administration even as federal prosecutors mull a referral for criminal charges. [Read more »](#)

Analysis

GWB Scandal Figures Challenge Statute's Reach In 3rd Circ.

Two former associates of ex-New Jersey Gov. Chris Christie will call on the Third Circuit during oral arguments Tuesday to rein in prosecutors' novel application of an anti-theft and anti-bribery statute to criminalize their alleged scheme to reduce local access lanes to the George Washington Bridge as an act of political revenge. [Read more »](#)

EXPERT ANALYSIS

If Lucia Wins On SEC Judges, What Comes Next?

The U.S. Supreme Court is set to consider in *Raymond J. Lucia v. SEC* whether the U.S. Securities and Exchange Commission's previous hiring of administrative law judges violated the Constitution. Let's look at two issues on the horizon if the answer is yes, says Daniel Walfish of Walfish & Fissell LLP. [Read more »](#)

3 Things To Know About USPTO's New Memo On Eligibility

In light of the Federal Circuit's decision in *Berkheimer v. HP*, the U.S. Patent and Trademark Office has issued a new memorandum regarding subject matter eligibility. Patent practitioners now have a new tool to combat patent-ineligibility challenges,

say Michelle Holoubek and Lestin Kenton of Sterne Kessler Goldstein & Fox PLLC. [Read more »](#)

New Remedial Actions For Tax-Advantaged Bonds And P3s

Under an IRS revenue procedure issued on April 11, 2018, issuers of tax-advantaged bonds have new remedial actions available to them to cure unqualified uses that previously would result in loss of tax-advantaged status. Attorneys at Nixon Peabody LLP explain the new procedures. [Read more »](#)

Rule 23 Changes: Avoid Delays In Class Settlement Approval

Among the proposed amendments to Rule 23 of the Federal Rules of Civil Procedure, which are scheduled to take effect Dec. 1, are specific requirements related to "front-loading." They outline the process for seeking preliminary court approval of class action settlements and related notice plans, say Shandarese Garr and Niki Mendoza of Garden City Group LLC. [Read more »](#)

LEGAL INDUSTRY

Dentons Under Scrutiny After UK Maternity Leave Spat

The Solicitors Regulation Authority is looking into the conduct of some Dentons UKMEA LLP human resources managers that came to light during a gender discrimination dispute last year, a spokesperson for the U.K. legal regulatory body confirmed on Friday. [Read more »](#)

Analysis

Why More BigLaw Firms May Start Ditching Annual Reviews

At least two global law firms are doing away with their annual associate reviews in favor of ongoing, associate-initiated performance

evaluations, a new approach that may be the wave of the future for law firms. [Read more = 2](#)

Federal Judge's Killer Executed After High Court Flurry

A man who killed an Eleventh Circuit judge and a black civil rights lawyer in 1989 using mail bombs was executed Thursday night in Alabama, following an eleventh-hour stay issued by the U.S. Supreme Court earlier in the day that was later vacated. [Read more »](#)

Alston & Bird Settles \$35M Ga. Malpractice Suit

A former confidant and employee of a widowed Coca-Cola executive's wife and Atlanta-based Alston & Bird LLP have agreed to end that woman's \$35 million Georgia state malpractice suit in a settlement, the plaintiff's lawyer said Friday. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

Taking the measure of President Trump's "Buy America, Hire America" mandate after one year, the general counsel of FactSet weighs in on the European Union's upcoming General Data Protection Regulation, and a settlement between Uber and regulators could change the way companies think about data breaches. These are some of the stories in corporate legal news you may have missed in the past week. [Read more = 2](#)

Podcast

Law360's Pro Say: The Michael Cohen Saga, Explained

On the latest episode of Law360's Pro Say podcast, we dig in to some intriguing aspects of the raid on the offices of President Trump's personal lawyer, including the impact on attorney-client privilege and Michael Cohen's high-dollar BigLaw connection. Also this week, we discuss a big Supreme Court case that could have a huge impact on how online retailers pay sales tax and a case that could

turn courtroom theater into actual Broadway theater. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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Subject: AT&T-Time Warner Judge Questions 'Kabuki Man' Blackouts



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Tuesday, May 1, 2018



TOP NEWS

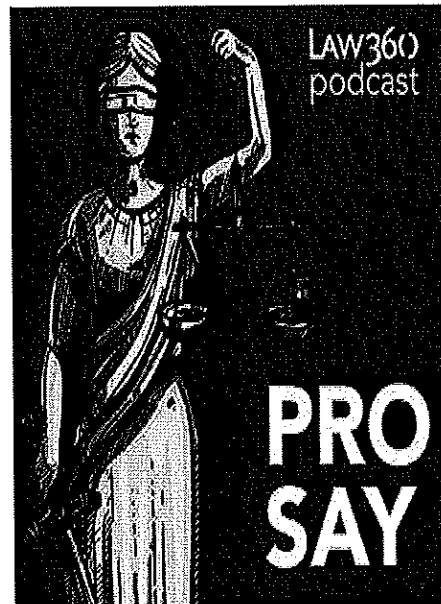
AT&T-Time Warner Judge Questions 'Kabuki Man' Blackouts

The D.C. federal judge considering the challenge to the AT&T-Time Warner merger pushed back during closing arguments Monday on government antitrust assertions that the merged entity will more readily threaten pay-TV distributors with content blackouts, while also asking about his ability to condition the tie-up rather than block it. [Read more »](#)

Pa. Court Axes Challenge To Sunoco's Eminent Domain Power

A Pennsylvania appeals court on Monday shot down a lawsuit from an environmental group alleging that a Sunoco Inc. unit improperly exercised eminent domain powers to seize land for construction of its controversial Mariner East 2 natural gas pipeline. [Read more »](#)

Feature



[Listen to our new podcast here](#)

LAW FIRMS

Advocates for the West

Akin Gump

Allen & Overy

Provisions To Watch In The House's FAA Reauthorization

The House's swift passage of a five-year reauthorization of the Federal Aviation Administration on Friday signals that Congress is eager to advance meaningful infrastructure investment by first addressing aviation safety reforms and airport funding, industry observers say. Here, Law360 highlights a few notable provisions. [Read more »](#)

HHS Seeks High Court Review Of Medicare Payments Ruling

The U.S. Department of Health and Human Services urged the U.S. Supreme Court on Monday to review a D.C. Circuit decision finding that the Centers for Medicare & Medicaid Services acted improperly when it changed its methods for calculating reimbursements to hospitals for uncompensated care in 2012. [Read more »](#)

Slew Of Defense Acquisition Rules On Chopping Block

The U.S. Department of Defense expects to slash about half its defense-specific acquisition rules after a regulatory review panel completes its work, a top U.S. Army contracting official said. [Read more »](#)

US Trade Delegation Will Head To China This Week

The White House on Monday offered more details about the Trump administration's forthcoming trip to China that will aim to smooth over fractious trade ties with Beijing, confirming that a delegation spearheaded by Treasury Secretary Steven Mnuchin will depart on Thursday. [Read more »](#)

BANKING & SECURITIES

Analysis

'Testing The Waters' Expansion Could Make IPOs Easier

Anthony Kennedy PC

Baker Botts

Baker McKenzie

Bracewell

Cleary Gottlieb

Cravath Swaine

Crowell & Moring

DLA Piper

Duane Morris

Epstein Becker Green

Fisher Taubefeld

Franzblau Dratch

Gibson Dunn

Goldberg & Fliegel

Hill Wallack

Hogan Lovells

Holifield Janich

Holland & Knight

Hunton Andrews Kurth

Kasowitz Benson

Kramer Levin

Latham & Watkins

Lipman & Plesur

Lockridge Grindal

Marashlian & Donahue

Mayer Brown

Morgan Lewis

Morrison & Foerster

O'Melveny & Myers

Perkins Coie

Proskauer Rose

Reed Smith

Sanford Heisler

Schiller

Shearman & Sterling

Shute Mihaly

Simpson Thacher

Steptoe & Johnson LLP

If the U.S. Securities and Exchange Commission relaxes restrictions on company communications prior to initial public offerings to a wider group of companies — a perk currently limited to smaller firms — capital markets attorneys say more large companies would welcome the freedom to test the IPO waters. [Read more »](#)

Ex-Corinthian Students Look To Bar Fed Loan Collections

The U.S. Department of Education flouted federal law on agency rulemaking and violated the Privacy Act when it suddenly changed its student loan forgiveness policy, a putative class of former students of the now-defunct Corinthian College told a California federal judge Monday, arguing that without a temporary bar on the new policy, they'd be forced to choose between life necessities and loan defaults. [Read more »](#)

ENERGY & ENVIRONMENTAL

Spring Water Bottlers Expected To Fight A Move To Tax Them

A Michigan lawmaker seeks to levy a first-in-the-nation excise tax on spring water bottlers, saying it is "ridiculous" that private companies can use the state's natural resources for free, a move that experts predict will be met with a vigorous fight from big water businesses. [Read more »](#)

Pa. Gov. Pushes For Bipartisan Natural Gas Tax

The governor of Pennsylvania revealed Monday that he is partnering with at least one Republican legislator to push for a severance tax on natural gas to generate some \$250 million in new revenue for state coffers. [Read more »](#)

Enviros Sue Over Oil, Gas Leases In Sage-Grouse Country

Stinson Leonard
Tucker Ellis
Weitz & Luxenberg

COMPANIES

AT&T Inc.
ATS Corporation
Adobe Systems Incorporated
Advance Publications Inc.
Allina Health System Inc.
American Bankers Association
American Express Company
Arab Bank PLC
Ascena Retail Group Inc.
CH Energy Group Inc.
CarePayment LLC
Carlson Wagonlit BV
Center for Biological Diversity Inc.
Corporation for Public
Broadcasting
DHL International GmbH
DXC Technology Co.
Deerfield Management Co. LP
Equifax Inc.
GoPro Inc.
Hulu LLC
Instagram Inc.
KeyPoint Government Solutions
Methodist Hospital System
Microsoft Corporation
Midcontinent Independent System
Operator Inc.
Middlesex Water Company
Montefiore Health System Inc.
Mount Sinai Hospital
Nardello & Co.
Nestle
Nevro Corp.
NewYork-Presbyterian Hospital

Two environmental groups on Monday sued the U.S. Department of the Interior's Bureau of Land Management, alleging it improperly reduced protections for greater sage-grouse by allowing oil and gas leases on almost 2 million acres of the birds' habitat. [Read more »](#)

Minn. Blasts Feds' Constitutional Attack On Power Grid Law

Minnesota on Monday ripped the U.S. government's contention that a state law giving preference to incumbent utilities for new electric grid projects is unconstitutional, arguing the preference isn't inherently discriminatory against out-of-state developers, and states can rely upon utility monopolies in order to ensure reliable electric service. [Read more »](#)

EPA Can't Exempt Blenders From Biofuel Regs, DC Circ. Told

The U.S. Environmental Protection Agency flouted the Clean Air Act by refusing to shift some of the obligation for blending renewable fuels into the nation's transportation fuel supply from refiners to fuel blenders as part of the agency's Renewable Fuel Standard program, refiners told the D.C. Circuit Friday. [Read more »](#)

HEALTH & LIFE SCIENCES

NYC Jury Mulls Complex Medicare Insider Trading Case

A Manhattan jury on Monday worked to sort out a complicated case against a federal worker, a consultant and two investment pros accused of forming a "corrupt tipping chain" that fed Centers for Medicare and Medicaid Services secrets to Wall Street traders, after a federal judge declined a defense request to give more legal instructions. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Northern Mariana Islands Retirement Fund
Oracle Corp.
Public Broadcasting Service
Sunoco LP
Tax Foundation
The Boeing Company
The DIRECTV Group, Inc.
Time Warner Inc.
Turner Broadcasting System Inc.
United Continental Holdings Inc.
United Parcel Service Inc.
United States Steel Corporation
Universal Service Administrative Co.
Valero Energy Corp.
Vencore Inc.
Viacom Inc.
Williams Lea

GOVERNMENT AGENCIES

Bureau of Land Management
Centers for Medicare & Medicaid Services
Consumer Financial Protection Bureau
Energy Information Administration
European Union
Executive Office of the President
Export-Import Bank of the United States
Federal Aviation Administration
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service

Justices Won't Review Calif. Rail Line Enviro Dispute

The U.S. Supreme Court on Monday declined to review the California Supreme Court's ruling that the state's cornerstone environmental law is not preempted by federal law in a challenge to a state-owned railroad entity's plans to further revive a line in Northern California.

[Read more »](#)

REAL ESTATE

NJ Builder Can't Shake Denial To Connect To Water System

The New Jersey Appellate Division on Monday refused to second-guess a municipal water agency's refusal to allow a builder to connect its mixed-use development with more than 1,000 homes to the town's system without a 1 million-gallon water storage tank, ruling expert testimony showed the tank is needed. [Read more »](#)

EMPLOYMENT

Feature

DOL's Guidance On Bipolar Benefits Raises Eyebrows

Employers can look to the U.S. Department of Labor's recent guidance on the Mental Health Parity and Addiction Equity Act for direction on how to handle mental health and addiction benefits without landing in legal trouble, but the DOL's language on bipolar disorder may create more confusion than clarity, attorneys say.

[Read more »](#)

Chamber Gets Halt On Bulk Of Philly's Salary Inquiry Law

A Pennsylvania federal judge on Monday blocked Philadelphia from implementing a key element of an ordinance that aims to eliminate the wage gap for women and minorities, saying a provision preventing companies from asking

National Economic Council
New York State Assembly
Securities and Exchange Commission
Social Security Administration
Surface Transportation Board
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Postal Service
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
World Trade Organization

applicants about their salary history violated an employer's free speech rights. [Read more »](#)

CONSUMER PROTECTION

CFPB Got 22K Complaints About Equifax After Breach: Report

The Consumer Financial Protection Bureau received nearly 22,000 complaints about Equifax in the six months after the credit reporting agency disclosed its data breach last year, which is close to double the number of complaints received in the six months before the disclosure, according to a report released Monday by three Democratic senators. [Read more »](#)

AEROSPACE & DEFENSE

Vets Sue To Remove Acting VA Secretary Wilkie

Acting Secretary of Veterans Affairs Robert Wilkie's appointment was unlawful and he should be removed from the position, according to a suit filed Monday against the U.S. Department of Veterans Affairs in D.C. federal court that claims Deputy Secretary Thomas Bowman was wrongly bypassed for the position. [Read more »](#)

INTERNATIONAL TRADE

Trump Blinks, Holds Off Metal Tariffs For Close Allies

President Donald Trump opted against imposing national security-based steel and aluminum tariffs on a handful of allies late Monday, striking permanent agreements to spare Argentina, Australia and Brazil while extending ongoing talks with the European Union, Canada and Mexico. [Read more »](#)

Trump, Netanyahu Rail Against Iran Deal Before Deadline

Israeli Prime Minister Benjamin Netanyahu accused the Iranian government Monday of

lying about its nuclear weapons program, comments that President Donald Trump jumped on to slam the 2015 Iran nuclear deal ahead of a key deadline, while noting he remained open to renegotiation. [Read more »](#)

Iranian Execs Exported Goods Despite Sanctions, Gov't Says

Three executives of an Iranian manufacturing company who live permanently in the United States were indicted last week in California federal court on charges that they illegally shipped goods from the U.S. to Iran despite sanctions against such exports, according to a statement by the U.S. Department of Justice. [Read more »](#)

Dems Want A Permanent Fix For Hobbled Ex-Im Bank

On the heels of President Donald Trump's decision to tap one of his top trade advisers as the interim head of the U.S. Export-Import Bank, a throng of Democratic senators on Friday pressed the White House to move ahead with a permanent leader for the beleaguered export credit agency. [Read more »](#)

IMMIGRATION

Trump Would Shutter Gov't If Border Funding Demand Not Met

President Donald Trump over the weekend said he would be willing to allow the government to shut down if Congress does not pass border security funding by its next spending bill deadline in September. [Read more »](#)

Acting ICE Director To Retire Before Confirmation Hearing

U.S. Immigration and Customs Enforcement's acting director, Thomas Homan, said Monday that he will retire before the Senate proceeds with his stalled confirmation. [Read more »](#)

TELECOMMUNICATIONS

Next-Gen Simulcasting Will Hamper Public TV, PBS Says

Groups representing public television stations, including PBS, have told the Federal Communications Commission that noncommercial educational stations must be excluded from a requirement that broadcasters carry both the status quo and the newly approved "next generation" broadcasting signals. [Read more »](#)

FCC Public Service Fees For Carriers Chided As Confusing

The Federal Communications Commission's treatment of universal services fees charged to providers offering both private and common-carrier business data services has caused an "unacceptable degree of confusion" for those that advise the companies, according to recent comments. [Read more »](#)

WHITE COLLAR

Ex-NY Assembly Speaker Silver's 2nd Graft Trial Kicks Off

Former New York State Assembly Speaker Sheldon Silver, for decades one of the most powerful politicians in the state, on Monday began a second trial over claims that he reaped millions of dollars in illicit referral fees in exchange for taking official action on behalf of developers and an asbestos disease doctor, which prosecutors told jurors was "quid pro quo, this for that." [Read more »](#)

EXPERT ANALYSIS

Reining In Abusive Alien Tort Statute Cases

The most obvious takeaway from the U.S. Supreme Court's decision in *Jesner v. Arab Bank* is that non-U.S. corporations no longer need to fear Alien Tort Statute liability. But tucked within the decision's holding and its

various concurring opinions are other key points, say attorneys with Gibson Dunn & Crutcher LLP. [Read more »](#)

The Fastest Federal Civil Court For A Decade

Out of 94 district courts nationwide, the Eastern District of Virginia has the fastest civil trial docket in the country, now for at least the 10th straight year. The modern EDVA bench clearly takes pride in efficiently dispensing justice, and this dedication to efficiency has continued even in the face of increased filings, says Bob Tata of Hunton Andrews Kurth LLP. [Read more »](#)

Don't Sleep On The Dormant Commerce Clause

The Fourth Circuit recently held that a Maryland statute, which prohibited drugmakers and distributors from charging an "unconscionable" price even on sales that occurred outside the state, was a violation of the dormant commerce clause. We cannot read this case without daydreaming about how its logic might apply to other cases, says Stephen McConnell of Reed Smith LLP. [Read more »](#)

Without More Funding IRS Reform Bills May Not Change IRS

Several bills intended to improve things at the IRS recently passed the U.S. House of Representatives. Attorneys Robert Kovacev and Carina Federico of Steptoe & Johnson LLP look at how the legislation would address three major issues and consider whether a legislative overhaul can be implemented without adequate funding. [Read more »](#)

LEGAL INDUSTRY

MoFo Slapped With \$100M Pregnancy Bias Suit

Three California-based associates hit Morrison & Foerster LLP with a \$100 million proposed

class action Monday that alleges the firm delays pay and advancement opportunities for female attorneys who take maternity leave or avail themselves of benefits the firm offers working mothers. [Read more »](#)

Cleary, Outsourcing Co. Hit With Sex Harassment Suit

A worker in Cleary Gottlieb Steen & Hamilton LLP's Manhattan office sued the firm in New York state court Monday, alleging it and outsourcing company Williams Lea Inc. tried to push her out because of her age and let another worker sexually harass her despite her many complaints. [Read more »](#)

\$10K Sanctions For Late-Filing Atty Exposed By Instagram

A New Jersey federal judge has imposed a \$10,000 sanction on a lawyer whose excuse for missing a court filing deadline in an employment suit was later refuted by photos on her Instagram account, writing that she deliberately misled the court and other attorneys about a trip she took to Mexico. [Read more »](#)

The Top In-House Hires Of April

Among the notable legal department hires during the first month of spring were new general counsel at Microsoft Corp., GoPro Inc. and the United States Steel Corp., as well as an acting principal associate deputy attorney general for the U.S. Department of Justice and an assistant general counsel at global travel management company Carlson Wagonlit Travel. [Read more »](#)

Interview

15 Minutes With Adobe's General Counsel

Adobe Systems Inc. executive vice president and general counsel Michael Dillon is retiring this year after a 34-year career in law. Here, Dillon chats with Law360 about the monumental changes that have taken place in the legal industry over the past three decades,

why he thinks the billable hour should die already, and the little-known Arctic explorer that he'd like to have lunch with. [Read more »](#)

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Subject: 3 Telecom Questions Surrounding The Sprint-T-Mobile Merger



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Thursday, May 3, 2018



TOP NEWS

Feature

3 Telecom Questions Surrounding The Sprint-T-Mobile Merger

As T-Mobile and Sprint take another stab at merging the third- and fourth-largest nationwide wireless networks, the proposed transaction raises questions about whether the companies really can roll out 5G more effectively together and whether the telecom landscape has evolved enough to render a four-player market structure obsolete. [Read more »](#)

Analysis

Cabbies In Uphill Battle Against Regulators Over Uber Rules

The Second Circuit's finding that traditional taxicabs weren't unconstitutionally harmed by New York City rules governing ride-hailing services like Uber and Lyft may derail similar challenges in other cities from taxicabs seeking more hard-line rules for their new rivals, attorneys say. [Read more »](#)



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LAW FIRMS

Addleshaw Goddard

Allen & Overy

Arent Fox

Analysis

States Face Uphill Battle To Dismantle DACA

Seven states sued the federal government Tuesday claiming that the Obama administration's creation of the Deferred Action for Childhood Arrivals program was unlawful, but scholars say their argument is unlikely to prevail because DACA falls within the president's authority to exercise discretion in the enforcement of immigration law. Here, we examine key questions surrounding the suit. [Read more »](#)

FTC Fully Stocked As 3 More Commissioners Are Sworn In

The Federal Trade Commission has a full suite of agency heads after three new commissioners were sworn in Wednesday following their confirmation by the Senate last week. [Read more »](#)

Williams & Connolly Atty To Replace Cobb On Russia Probe

A Williams & Connolly LLP partner who served as an attorney to Bill Clinton during his impeachment is in line to replace Ty Cobb, the lead attorney for the president on the Russia investigation, as Cobb plans to retire at the end of the month, according to statements Wednesday from the White House and the firm. [Read more »](#)

Trump Claims Immunity In Bid To Ditch Emoluments Case

President Donald Trump channeled Richard Nixon on Tuesday in an effort to escape allegations he violated the U.S. Constitution's emoluments clause, asking a Maryland federal judge to toss the case on the grounds he has "absolute immunity" from litigation on actions he has taken while in office. [Read more »](#)

BANKING & SECURITIES

Baker McKenzie
Becker & Poliakoff
Cassidy Levy
Clifford Chance
Clyde & Co
Cohen Milstein
Consovoy McCarthy
Cravath Swaine
DLA Piper
Davidoff Hutcher
Duane Morris
Eversheds Sutherland
Foley Hoag
Fox Rothschild
Freshfields
Gibbons PC
Gibson Dunn
Goodwin
Gowling WLG
Groom Law Group
Gupta Wessler
Hanson Bridgett
Harris Wiltshire
Herbert Smith Freehills
Hirschfeld Kraemer
Hogan Lovells
Hughes Socol
Husch Blackwell
Jones Day
Joseph & Kirschenbaum
Kramer Levin
Linklaters
Norton Rose Fulbright
Osborne Clarke
Paul Weiss
Pinsent Masons
Quinn Emanuel
Regnante Sterio

5th Circ. Won't Rethink Invalidation Of DOL Fiduciary Rule

The Fifth Circuit shot down attempts by AARP and the attorneys general from California, New York and Oregon to revive the U.S. Department of Labor's 2016 fiduciary rule on Wednesday in a move that attorneys think could be the final nail in the coffin for the Obama-era regulation. [Read more »](#)

ENERGY & ENVIRONMENTAL

Hawaii First To Ban Pesticide Linked To Brain Damage

A bill approved by Hawaii's Legislature Tuesday made the state the first in the U.S. to ban chlorpyrifos, a pesticide the U.S. Environmental Protection Agency has linked to brain damage in children but declined to ban in 2017. [Read more »](#)

States Ask NY Judge To Nix EPA's Clean Water Rule Delay

A group of states on Tuesday asked a New York federal judge to invalidate the U.S. Environmental Protection Agency's move to delay implementation of the Obama-era Clean Water Rule, saying the agency failed to follow proper notice-and-comment protocol, among other reasons. [Read more »](#)

HEALTH & LIFE SCIENCES

Unusually Quiet Medicare Insider-Trading Jury Works 3rd Day

A Manhattan federal jury silently mulled complex charges for a third full day Wednesday in the government's insider-trading case against a federal worker, a consultant and two investment pros accused of forming a "corrupt tipping chain" that exploited Centers for Medicare and Medicaid Services spending secrets. [Read more »](#)

REAL ESTATE

Ropes & Gray
Shearman & Sterling
Sidley Austin
Slaughter and May
Squire Patton Boggs
Steptoe & Johnson LLP
Ulmer & Berne
Weiss Serota
Williams & Connolly
WilmerHale

COMPANIES

AARP Inc.
AT&T Inc.
Airbnb Inc.
American Civil Liberties Union
American Council of Life Insurers
Apple Inc.
Associated Press
Cable News Network Inc.
Center for Constitutional Rights
Chemours Co.
Citizens for Responsibility and Ethics in Washington
Comcast Corporation
CropLife America Inc.
Deerfield Management Co. LP
Facebook
GAZ Group
Gazprom
General Electric Capital Corp.
Google Inc.
HomeAway Inc.
Lyft Inc.
Massachusetts Bay Transportation Authority
Monsanto Company
National Rifle Association of America

Austin Defends City Rules Phasing Out Short-Term Rentals

The city of Austin, Texas, urged a state appeals court this week not to reinstate a challenge to city regulations on short-term rentals like those offered through Airbnb and HomeAway, saying in a brief landlords who oppose the rules can't use the court to make a "detailed policy objection" to a city zoning decision. [Read more »](#)

Fla. Developer Can't Fight Zoning Law Without Asking To Build

A Florida appeals court on Wednesday reversed a lower court's finding that the city of Hollywood was liable to a developer for burdening its beachfront property by imposing a lower maximum height restriction, finding the developer had never formally applied to build. [Read more »](#)

EMPLOYMENT

Senate Dems Again Ask BLS To Collect Harassment Data

Twenty-one U.S. senators led by Kirsten Gillibrand, D-N.Y., and Patty Murray, D-Wash., urged the U.S. Bureau of Labor Statistics to reconsider its decision not to collect data on workplace harassment, Murray announced on Wednesday as the ranking member of the Senate's Health, Education, Labor and Pensions Committee. [Read more »](#)

NJ Gov. Signs Paid Sick Leave Bill Into Law

New Jersey employers must now provide earned sick leave pay to their workers under a new law that Gov. Phil Murphy signed Wednesday, a measure he said will support both working families and the state's economy. [Read more »](#)

CYBERSECURITY & PRIVACY

Natural Resources Defense Council
Samsung Electronics Co. Ltd.
Syngenta AG
T-Mobile USA Inc.
TechFreedom
Texas Public Policy Foundation
TracFone Wireless Inc.
Trump Organization Inc.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
Washington Post Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
California Attorney General's Office
Central Intelligence Agency
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Department of Commerce
European Union
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Election Commission
Federal Reserve Bank of New York
Federal Reserve System
Federal Trade Commission
House of Commons of the United Kingdom
Internal Revenue Service
International Trade Administration
International Trade Commission

Facebook Can't Halt Data Transfer Row Ahead Of New EU Law

Facebook can't keep Europe's top court from hearing a privacy case that could change the way companies transfer EU users' data to the U.S., Ireland's High Court ruled Wednesday, slamming the social network for trying to stall the case until Europe's new data law goes into effect. [Read more »](#)

UK Parliament Turns Up Heat On Facebook's CEO To Testify

A U.K. parliamentary committee on Tuesday stepped up pressure on Facebook CEO Mark Zuckerberg to provide an in-person update on revelations that Cambridge Analytica harvested millions of Facebook users' personal data, saying that an appearance by another Facebook executive before the committee last week left dozens of unanswered questions. [Read more »](#)

GOVERNMENT CONTRACTS

Public Entity Can Ax Deal To Save Cash, Mass. Justices Say

Massachusetts' top appellate court said Wednesday that a public entity such as the Massachusetts Bay Transportation Authority can terminate a procurement contract for the sole purpose of saving money, breaking with federal precedent and setting a new one for the commonwealth. [Read more »](#)

AEROSPACE & DEFENSE

Dems Want Bank Subpoenaed Over Alleged Army Sec. Deal

Two senior Democrats on the House Oversight Committee on Tuesday urged Chairman Trey Gowdy, R-S.C., to subpoena a bank whose CEO was reportedly promised the Army secretary role in exchange for loans to former Trump campaign chairman Paul Manafort,

New York Attorney General's Office

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Port Authority of New York & New Jersey

Securities and Exchange Commission

Texas Attorney General's Office

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Merit Systems Protection Board

U.S. Office Of Special Counsel

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

saying it has refused to cough up requested documents. [Read more »](#)

INTERNATIONAL TRADE

Commerce Levels Tariffs On Dumped Resin From India, China

The U.S. Department of Commerce reached an initial conclusion Tuesday that a type of resin being shipped to the U.S. by Chinese and Indian producers was undercutting the domestic market, in some cases by more than 200 percent, according to an announcement of preliminary anti-dumping duties. [Read more »](#)

TAX

Pass-Through Law May Cramp Savings, Report Says

The tax break for pass-through businesses in the new federal tax law is so complex that any savings for small businesses may need to be spent on lawyers and accountants to understand the law, a coalition pushing for tax benefits for small businesses said Tuesday. [Read more »](#)

IMMIGRATION

Feds Hit With FOIA Suit On Immigrant Vetting Documents

The Chicago office of the Council on American-Islamic Relations accused the federal government in a lawsuit Tuesday of violating the Freedom of Information Act by withholding documents related to an immigration program that the group says unlawfully targets Muslim applicants and delays their naturalization as U.S. citizens. [Read more »](#)

TELECOMMUNICATIONS

Justice Dept. Faults FCC's O'Rielly For Pro-Trump Remark

The Federal Communications Commission's Michael O'Rielly violated the law meant to keep executive branch employees from delving into politics when he advocated earlier this year for President Donald Trump's re-election, a U.S. Department of Justice office said Tuesday. [Read more »](#)

FCC Launches Inquiry On Sharing Satellite Spectrum

The Federal Communications Commission is looking for input on having cable providers share a band of spectrum normally used for satellite transmissions, the agency announced Tuesday, as part of a shakeup of spectrum mandated by law. [Read more »](#)

WHITE COLLAR

Feds Say Salary Expenses Back Up GWB Scandal Convictions

Federal prosecutors told the Third Circuit on Wednesday that payroll records and testimony proved that two former Gov. Chris Christie allies convicted of causing a politically motivated traffic jam misused more than \$5,000 in government resources, exceeding the monetary threshold to make the act criminal. [Read more »](#)

EXPERT ANALYSIS

Volcker Rule Will Likely Change, But When And By How Much?

It is difficult to say exactly what the ultimate changes to the Volcker Rule will be. However, certain political realities on the legislative side and a convergence of statements by policymakers on the regulatory side suggest that there are at least a few broad changes that can be reasonably forecast, say Michael Silva and Paola Ronquillo of DLA Piper. [Read more »](#)

OFAC License For Rusal Wind-Down Shows Flexible Approach

Last week, the U.S. Department of Treasury's Office of Foreign Assets Control issued a license authorizing the winding down of business with a Russian aluminum company targeted by recent sanctions. The terms of the license reflect a potentially flexible approach from the Trump administration regarding the latest round of sanctions designations, says Anthony Rapa of Steptoe & Johnson LLP. [Read more »](#)

LEGAL INDUSTRY

Pinsent Masons Is Strongest UK Firm Brand For 1st Time

Pinsent Masons LLP for the first time stole the top spot as the United Kingdom's most distinct legal brand in a survey of corporate legal department leaders published on Wednesday by London research firm Acritas. [Read more ½ B](#)

Quinn Emanuel Ex-Staffer Drops Race Bias Claims

A former Quinn Emanuel Urquhart & Sullivan LLP legal secretary has dropped a suit alleging a supervisor made various racist and homophobic comments about him and other African-American colleagues behind the scenes of an Apple v. Samsung patent trial, according to a New York federal court filing Tuesday. [Read more »](#)

Pro Bono Spotlight

Gibbons' Pro Bono Fellows Helped Settle NJ Muslims' Suit

The dispute between New York City and a coalition of New Jersey Muslims alleging the New York City Police Department illegally spied on them for years ended in a settlement in April, bringing to a close six years of litigation supported by the pro bono work of Gibbons PC. [Read more »](#)

JOBS

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Friday, May 4, 2018



TOP NEWS

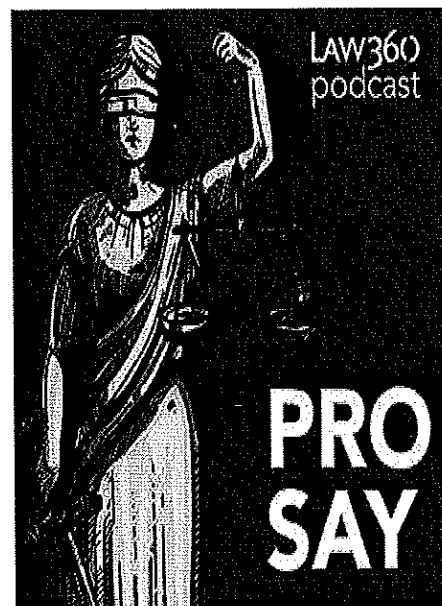
Full 7th Circ. Asked To Rethink Sanctuary City Ruling Stay

The U.S. Department of Justice has asked the full Seventh Circuit to consider its partial bid to limit the scope of a nationwide injunction barring it from putting immigration-related conditions on so-called sanctuary cities that apply for a federal public safety grant. [Read more »](#)

Los Angeles City Council OKs Regulation Of Airbnb Rentals

The Los Angeles City Council on Wednesday voted unanimously in favor of regulations that would let city residents host Airbnb and other home-sharing rentals only in their primary residence, close down noncompliant operators and cap room use at 120 days in houses and apartments. [Read more »](#)

FDA Chief Targets Kickback Safe Harbor To Trim Drug Prices



[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy

Allen Kuehnle

Alston & Bird

The U.S. Food and Drug Administration's leader on Thursday signaled that the Trump administration's campaign to reduce drug prices will target an Anti-Kickback Statute safe harbor for controversial rebates that drugmakers give to pharmacy benefit managers. [Read more »](#)

Feature

What To Know About NIST's Bayh-Dole Act Updates

The U.S. Department of Commerce's National Institute of Standards and Technology has outlined a series of changes to the regulation governing patents that stem from federally funded research, the most significant of which will eliminate the time limit on when the feds can demand title to those patents. Here, Law360 looks at what updates IP attorneys should know about. [Read more »](#)

Jury Convicts Defendants After Medicare Insider-Trading Trial

A Manhattan federal jury on Thursday delivered guilty verdicts in the government's case alleging a former Centers for Medicare & Medicaid Services worker, a health consultant and two hedge fund pros formed a "corrupt tipping chain" that funneled Washington policy secrets to Wall Street traders. [Read more »](#)

BANKING & SECURITIES

Senate Dems Urge Banks To Play Role In Limiting Gun Sales

A dozen Senate Democrats urged banks and other financial institutions to set new rules for their clients to help address gun violence in letters released Wednesday, introducing measures aimed at limiting gun sales. [Read more »](#)

ENERGY & ENVIRONMENTAL

States, Auto Groups Weigh In On Fuel Economy Penalties

Alston Hunt
Arnold & Porter
Balch & Bingham
Bryan Cave
Cleary Gottlieb
Cooley
Crowell & Moring
DLA Piper
Dean Mead
Gibson Dunn
Goldman Ismail
Goodwin
Greenbaum Rowe
Greenberg Traurig
Hogan Lovells
Jones Day
Kirkland & Ellis
Kramer Levin
Latham & Watkins
Locke Lord
Lowenstein Sandler
Morrison & Foerster
Potter Anderson
Reed Smith
Richards Layton
Riker Danzig
Riley Safer
Shearman & Sterling
Skadden
Sullivan & Cromwell
Wachtell Lipton
Wilkinson Walsh
Williams & Connolly
WilmerHale
Womble Bond Dickinson

COMPANIES

Aetna Inc.
Airbnb Inc.

A group of states and an environmental organization on Wednesday asked the National Highway Traffic Safety Administration not to block an increase in penalties for automakers that don't meet fuel efficiency standards, while industry groups backed the agency's decision to nix the increase. Read more »

Watchdog Says DOE Overstepped Spending Authority

The U.S. Department of Energy overfunded one of its accounts by \$16 million in potential violation of statute, but there was not enough evidence to substantiate claims that the DOE financial chief's office tried to cover up the overspending, a DOE watchdog said in a contentious report made public this week. Read more »

HEALTH & LIFE SCIENCES

Feds Urged To Get Generic Naloxone, Patents Be Damned

Public Citizen and the city of Baltimore on Thursday asked the White House to invoke its right to make generic versions of the opioid overdose drug naloxone, as the patented versions are prohibitively expensive for the officials and communities that need them. Read more »

House VA Chair Moves To Make Over Care Programs

House Veterans Affairs Committee Chairman Phil Roe, R-Tenn., rebooted legislation Thursday intended to expand a U.S. Department of Veterans Affairs caregiver program and overhaul the Veterans Choice Program covering private care, while providing \$5.2 billion more for Choice. Read more »

EMPLOYMENT

Alliance of Automobile Manufacturers
American Bankers Association
American College of Emergency Physicians
American Hospital Association
American Medical Association Inc.
Bank of America Corporation
Bayer AG
CA Inc.
CUNA Mutual Group
Citigroup Inc.
Consumer Bankers Association
Deerfield Management Co. LP
Dick's Sporting Goods Inc.
Facebook
Financial Services Roundtable
Global Automakers
Instagram Inc.
Intersil Corporation
Jefferies Group Inc.
Johnson & Johnson
Jones Lang LaSalle Inc.
Major Lindsey & Africa
Marathon Petroleum Corp.
Microsoft Corporation
Morgan Stanley
Mortgage Bankers Association
National Association of Mutual Insurance Companies
National Public Radio Inc.
New York University
PNC Financial Services Group Inc.
SAP AG
Sierra Club
Snap Inc.
Sprint Nextel Corporation
State Bar of Texas
T-Mobile USA Inc.

ACA Pay Rule Concerns Unfounded, Physicians Group Told

The U.S. departments of Health and Human Services, Labor and the Treasury told a group of emergency physicians on Thursday that they would not modify a 2015 rule in response to the group's concerns that it gave insurers wiggle room to underpay out-of-network hospitals for emergency services. [Read more »](#)

AEROSPACE & DEFENSE

US Complains Over China 'Painting' DOD Planes With Lasers

The federal government has filed a diplomatic complaint alleging Chinese personnel have aimed laser beams at U.S. military aircraft in Djibouti, putting those aircraft and the airmen flying them at risk, the U.S. Department of Defense said Thursday. [Read more »](#)

INTERNATIONAL TRADE

Iran Says It Will Not Renegotiate Nuclear Deal

Iran's foreign minister on Thursday warned President Donald Trump that if the U.S. withdraws from the nuclear deal, Iran will not "renegotiate or add onto" the agreement, which he said has already been carried out in good faith. [Read more »](#)

TAX

Hospitals Seek IRS Guidance On Whether They Face GILTI Tax

A group of hospitals has asked the Internal Revenue Service and the U.S. Treasury Department for clarification on whether the hospitals would be subject to global intangible low-tax income, which was a provision in last year's tax overhaul legislation. [Read more »](#)

UK VAT System Is The Problem In VW's Case, EU Court Told

TD Securities Inc.

Texas Medical Association

Twitter Inc.

U.S. Chamber of Commerce

UnitedHealth Group Inc.

Volkswagen

Wal-Mart Stores Inc.

Wells Fargo & Co.

Williams Lea

YouTube Inc.

Zimmer Biomet Holdings Inc.

GOVERNMENT AGENCIES

Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Department of Commerce

European Union

Executive Office of the President

Federal Communications Commission

Federal Emergency Management Agency

Florida Department of Revenue

Food and Drug Administration

Internal Revenue Service

National Aeronautics and Space Administration

National Highway Traffic Safety Administration

National Institute of Standards and Technology

National Institutes of Health

New York Attorney General's Office

U.S. Army

U.S. Consumer Product Safety Commission

U.S. Department of Defense

U.S. Department of Energy

The U.K.'s value-added tax system, which is at the center of a dispute between British authorities and Volkswagen, flouts European Union law because it splits up what should be a single taxable transaction, an adviser to the EU's top court concluded Thursday. [Read more »](#)

BANKRUPTCY

Bankrupt Gun Seller Says It Was Felled By Trump's Election

Ohio-based firearms distributor AcuSport Corp. filed for Chapter 11 bankruptcy this week, saying it has fallen on hard times ever since the 2016 presidential election because it increased inventory in mistaken anticipation that Hillary Clinton would win, causing a spike in demand. [Read more »](#)

IMMIGRATION

DOJ, DHS Terrorism Report 'Rife With Inaccuracies,' Suit Says

Two nonpartisan policy groups on Thursday sued the U.S. Department of Justice and the U.S. Department of Homeland Security over a January report on "protecting the nation from foreign terrorist entry," claiming the Trump administration published disinformation based on unrevealed and otherwise questionable data. [Read more »](#)

TELECOMMUNICATIONS

NPR Says It Can't Afford For FCC To Yank Access To C-Band

National Public Radio has urged Federal Communications Commissioner Michael O'Rielly to protect its access to the C-band spectrum used for satellite distribution of its programming as his agency mulls a proposal to open the band to 5G and other uses. [Read more »](#)

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Veterans Affairs

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Supreme Court

FCC Urged To Embrace Narrow TCPA 'Autodialer' Definition

A coalition led by the U.S. Chamber of Commerce on Thursday urged the Federal Communications Commission to craft a narrow definition of "autodialer" under the Telephone Consumer Protection Act to replace a broad interpretation struck down by the D.C. Circuit in March, arguing such action would significantly curb litigation. [Read more »](#)

PEOPLE

Brooklyn Judges Keep Donoghue As US Atty In EDNY

The judges in the Eastern District of New York announced on Thursday that they had chosen Richard Donoghue, who was already the interim U.S. attorney, to stay on in that role until he or someone else is nominated and confirmed. [Read more »](#)

EXPERT ANALYSIS

A Closer Look At EPA's Proposed Coal Ash Rule

What exactly did the U.S. Environmental Protection Agency suggest in its recently introduced coal combustion residuals remand rule? Steven Burns of Balch & Bingham LLP reviews what the rule actually proposes and where those proposals come from. [Read more »](#)

CPSC Reaction To Consumer Misuse May Cost Companies

Product liability suits and regulatory product defect enforcement actions associated with foreseeable and unforeseeable consumer misuse have become the norm. But the U.S. Consumer Product Safety Commission's recent attempt to address human factors in the design process may present extraordinary costs and undue burdens on product designers and manufacturers, say Cheryl Falvey and

Stephanie Crawford of Crowell & Moring LLP
[Read more »](#)

Structuring Life Settlements Investment Funds After TCJA

The Tax Cuts and Jobs Act should be carefully evaluated by offshore life settlements investment vehicles, as it may negatively impact U.S. income tax consequences for U.S. shareholders, who should consider structuring or restructuring funds to minimize these adverse income tax effects, say attorneys with Locke Lord LLP. [Read more »](#)

Florida Taxpayer Advocate Office Gains New Independence

Recent changes by the Florida Legislature provide an opportunity for the state's taxpayer rights advocate to become a voice for all taxpayers — not just those in dire straits — and spur meaningful reforms, says Mark Holcomb of Dean Mead & Dunbar. [Read more »](#)

Supporting Nontraditional Data Types In E-Discovery

The advancement in connected technologies and software has created an explosion of nontraditional data sources that present challenges to e-discovery practitioners. Many tools and techniques used to process traditional data may not be practical for these new data types, say Jason Paroff and Sagi Sam of Epiq. [Read more »](#)

LEGAL INDUSTRY

Feature

The Role Of BigLaw Associate Is Changing, And Here's How

Many BigLaw firms expect more technical expertise and business development skills from newly minted associates than they once did as practices strive to get ahead in a legal

market in which clients are tightening their belts. [Read more »](#)

Feature

Proposed Texas Disciplinary Rules Trample Rights, Attys Say

The Texas Supreme Court's proposed changes to attorney disciplinary rules have earned the ire of dozens of lawyers who say the rules would subject them to overly broad subpoenas, cut them out of investigatory hearings and unjustly penalize them for advocating for their innocence when accused of misconduct. [Read more »](#)

Women Must Push For More Court Roles, NJ Attys Say

Female lawyers need to advocate for themselves in pursuing greater roles in the courtroom and within their firms, prominent women attorneys said Thursday at a New Jersey panel discussion. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Lawyers with Wachtell Lipton Rosen & Katz and Morrison & Foerster LLP are leading an army of attorneys that head this week's lions list for their work on a recently announced tie-up between T-Mobile and Sprint, while the lambs list kicks off with an attorney whose Instagram posting led to a \$10,000 sanction. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Monday, May 7, 2018 4:38 AM
To: Rep48
Subject: Law360 Reveals Titans Of The Plaintiffs Bar



PUBLIC
POLICY

LEX MACHINA - 2018 Top Law Firm Report for Select Federal Litigation

LEX MACHINA - 2018 Top Law Firm Report for Select Federal Litigation: Law firm rankings across all of Lex Machina's practice area modules, including: patent, copyright, trademark, antitrust, securities, commercial, employment, product liability, and federal bankruptcy appeals, that reveals which firms have filed and defended the most cases.

Monday, May 7, 2018

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TOP NEWS

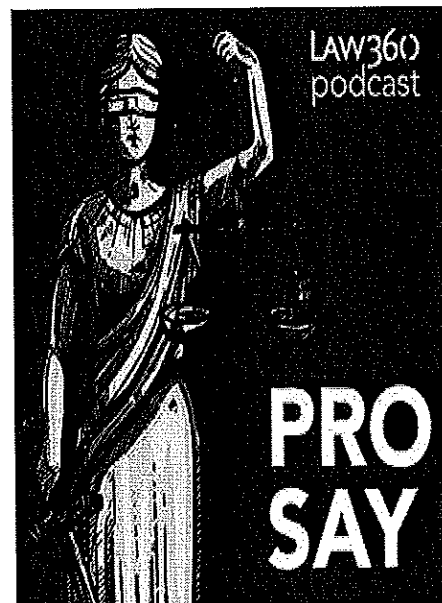
Law360 Reveals Titans Of The Plaintiffs Bar

They've gone up against big-name companies while advocating for plaintiffs ranging from grieving family members to shareholders and consumers in some of the biggest and most well-known cases of the past year. They've strategically shaped outcomes, acted as champions to their clients and nabbed massive settlements. And they perform with passion. [Read more »](#)

Feature

EXCLUSIVE: SD's Counsel On Wayfair's Road To High Court

From day one, Goldstein Russell LLP partner Eric Citron helped South Dakota officials get their case against Wayfair to the U.S. Supreme



[Listen to our new podcast here](#)

Court. In this exclusive interview with Law360, Citron shares the story of how challenging the physical presence test in Quill moved from an idea to the case now awaiting decision from the justices. [Read more »](#)

Grassley Sets 9th Circ. Pick Hearing, Feinstein Cries Foul

President Donald Trump's nomination to the Ninth Circuit, a conservative Oregon prosecutor, will appear before the Senate Judiciary Committee on Wednesday, according to the Senate website, despite objections from Democratic senators. [Read more »](#)

Feature

Clayton Shifts SEC Focus To Retail Investors In First Year

U.S. Securities and Exchange Commission Chairman Jay Clayton's clear initiative to protect retail investors since taking the helm of the Wall Street regulator one year ago this week is widely viewed as a positive shift in direction, but has also raised concerns the agency may lose focus on potential misconduct by big financial institutions given its limited resources. [Read more »](#)

Analysis

EPA Science Data Rule Could Upend Regulatory Process

The U.S. Environmental Protection Agency's recent proposal to require the publication of data underlying scientific studies that are considered in the regulatory process could disqualify a host of human health risk analyses because many of them rely on the anonymity of their subjects, and could make future regulation less likely as a result. [Read more »](#)

Trump Says Border 'Under Siege' As He Renews Call For Wall

Taking to Twitter on Friday to label the nation's border with Mexico "under siege," President Donald Trump repeated his call for new immigration laws and a border wall, a day after U.S. Customs and Border Protection reported

LAW FIRMS

Addleshaw Goddard
Allen & Overy
Alston & Bird
Anthony Kennedy PC
Archer & Greiner
Arnold & Porter
Baker McKenzie
Baum Hedlund
Bernstein Litowitz
Brann & Isaacson
Buckley Sandler
Carlton Fields
Clifford Chance
Clyde & Co
Cohen Milstein
Connell Foley
Cooper & Kirk
Cravath Swaine
DLA Piper
Davis Polk
Davis Wright Tremaine
DiConza Traurig Kadish
Dickinson Wright
Dilworth Paxson
Eversheds Sutherland
Fish & Richardson
Freshfields
Gibson Dunn
Goodwin
Gowling WLG
Graham Curtin
Groom Law Group
Hagens Berman
Herbert Smith Freehills
Hogan Lovells
Hunton Andrews Kurth
Jones Day

a 223 percent increase in a key figure used to gauge crossings. [Read more »](#)

Analysis

Wyoming Could Serve As Cryptocurrency Tax Bellwether

Wyoming is taking a different approach from the Internal Revenue Service in taxing cryptocurrencies, and while the state's departure from the norm is unlikely to affect federal policy, it could influence other states to consider alternate taxing methods in an attempt to attract more crypto businesses. [Read more »](#)

7th Circ. Axes Fannie Mae, Freddie Mac Shareholder Suit

Two Fannie Mae and Freddie Mac shareholders who accused the Federal Housing Finance Agency and the U.S. Department of the Treasury of siphoning the companies' profits into government coffers can't revive their claims, the Seventh Circuit said on Thursday, finding that the two agencies had the statutory authority to do so. [Read more »](#)

ENERGY & ENVIRONMENTAL

Tesla, Utilities Join Fight To Stop EPA Fuel Economy Rollback

A coalition that includes several electric utilities and electric car maker Tesla Inc. on Thursday challenged at the D.C. Circuit the U.S. Environmental Protection Agency's decision to revisit Obama-era greenhouse gas vehicle emission standards, following the lead of California and other states in fighting the agency's actions. [Read more »](#)

Enviros Say Pa. DEP Bungled Frack Waste Well Permit

A Pennsylvania environmental group is accusing regulators of placing insufficient conditions on a controversial underground disposal well, one of the few granted approval

Kilpatrick Townsend
Kirkland & Ellis
Lanier Law Firm
Latham & Watkins
Lawyers' Committee for Civil Rights
LeClairRyan
Lief Cabraser
Linklaters
Littler Mendelson
Locke Lord
Loevy & Loevy
McElroy Deutsch
Morrison & Foerster
Norton Rose Fulbright
O'Melveny & Myers
Osborne Clarke
Paul Hastings
Perkins Coie
Pinsent Masons
Podvey Meanor
Quinn Emanuel
Reed Smith
Robinson & Cole
Ropes & Gray
Sanford Heisler
Schwerin Campbell
Seeger Weiss
Shearman & Sterling
Shulman Rogers
Sidley Austin
Sills Cummis
Simpson Thacher
Skadden
Slaughter and May
Smith Stratton
Squire Patton Boggs
Starn O'Toole

in the state for injection and storage of wastewater from hydraulic fracturing, according to an Environmental Hearing Board appeal filed Thursday. Read more »

HEALTH & LIFE SCIENCES

DC Circ. Mulls \$1.6B Cut To Hospitals' 340B Reimbursement

The D.C. Circuit on Friday weighed the lawfulness of a \$1.6 billion cut to Medicare reimbursement for drugs purchased by hospitals through the 340B drug discount program, questioning whether the cut was excessively large and whether it is reviewable in the courts. Read more »

EMPLOYMENT

Labor Department Issues Final Rule On Beryllium Exposure

The U.S. Department of Labor has clarified a regulation that limited workers' exposure to the industrial byproduct beryllium, setting new definitions of beryllium work areas, among other changes, in a final rule published in the Federal Register on Friday. Read more »

Flight Attendants Allowed Into Wash. Sick Leave Law Spat

The Association of Flight Attendants - Communication Workers of America, AFL-CIO can intervene in a lawsuit challenging the constitutionality of Washington state's new law requiring employers to provide nearly all their employees with paid sick leave, according to a federal court order Friday. Read more »

COMPETITION

AT&T, Time Warner To Judge: No 'Remedies' Needed

AT&T and Time Warner urged U.S. District Judge Richard Leon in a court filing Thursday not to impose any conditions on their planned

Sullivan & Cromwell
Susman Godfrey
Willkie Farr
WilmerHale
Winston & Strawn
Zelle LLP
Zuckerman Spaeder

COMPANIES

21st Century Fox Inc.
AT&T Inc.
Adobe Systems Incorporated
Air Transport Association of America
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Hospital Association
Apple Inc.
BP p.l.c.
Baltimore Gas & Electric Co.
Broad Institute
Cable News Network Inc.
Carlson Wagonlit BV
Charter Communications Inc.
Comcast Corporation
Commonwealth Edison Co.
Competitive Enterprise Institute
Consumer Federation of America
Cornerstone Research Inc.
Dynamex, Inc.
Edison International
Exelon Corporation
Exterro Inc.
Facebook
Fannie Mae
First Niagara Financial Group Inc.
Freddie Mac

deal, lambasting the government's case and assuring the judge the commitments the companies made would still apply if the merger is allowed to proceed. [Read more »](#)

AEROSPACE & DEFENSE

House Previews \$717B Defense Bill For 2019

House Armed Services Committee Chairman Mac Thornberry, R-Texas, released a detailed preview Friday of his committee's upcoming \$717 billion 2019 National Defense Authorization Act, rolling in proposed U.S. Department of Defense management reforms alongside support for President Donald Trump's request for a military parade. [Read more »](#)

INTERNATIONAL TRADE

Countries Say Inconsistency In ISDS Needs Reform

Countries reviewing the United Nations framework for settling investor-state disputes say the current system is inconsistent and possesses inadequate tools for reviewing contested arbitration awards, according to a new report. [Read more »](#)

TAX

NJ Gov. Pens Charitable Donation SALT Workaround

New Jersey Gov. Phil Murphy signed a bill Friday that allows for property tax credits to taxpayers making certain qualified charitable donations in an effort to counter the federal tax reform law's \$10,000 limit on state and local tax deductions. [Read more »](#)

IMMIGRATION

Sessions Opposes Guatemalan Man's High Court Asylum Bid

GlaxoSmithKline

GoPro Inc.

Google Inc.

Highmark Inc.

Horizon Air Industries Inc.

Huawei Technologies

Instagram Inc.

Iridium Communications Inc.

Los Angeles Department of Water and Power

Microsoft Corporation

Monsanto Company

Mylan NV

NBCUniversal Inc.

National Conference of State Legislatures

National Congress of American Indians

Natural Resources Defense Council

Netflix Inc.

New Jersey State Bar Association

New York Times Co.

New York University

Newegg Inc.

Oil States International Inc.

Oracle Corp.

Overstock.com Inc.

Oxbow Corp.

PG&E Corporation

Pepco Holdings Inc.

Portland General Electric Co.

Princeton Legal Search Group LLC

QUALCOMM Incorporated

Quill Corp.

SAS Institute

Starbucks Corporation

State Farm

Systemax Inc.

U.S. Attorney General Jeff Sessions has urged the U.S. Supreme Court to pass on the appeal of a Guatemalan man who re-entered the U.S. after being deported and was not allowed to apply for asylum because of a reinstated removal order, arguing that a federal statute bars him from seeking asylum. [Read more »](#)

Gov't Ends Hondurans' Protected Status, Group Vows To Sue

The Trump administration on Friday said it would terminate a temporary protected status program for Hondurans who moved to the U.S. in the wake of a 1998 hurricane, prompting an immigrant rights group to announce immediate plans to challenge the decision in court. [Read more »](#)

Cities Urge 2nd Circ. To Keep DACA Rollback On Hold

Forty-two cities and counties on Thursday told the Second Circuit that it should uphold the nationwide injunction barring the Trump administration from rescinding the Deferred Action for Childhood Arrivals program, saying the government's decision to roll back the program is the "poster child" for reviewable agency action. [Read more »](#)

5 Cities Join Calif. Suit Over Census Citizenship Question

Leaders of five California cities and its largest county stood before the steps of Los Angeles City Hall on Friday morning to announce they have joined the state's lawsuit against the Trump administration over its recent announcement that the 2020 census will reinstate a question on citizenship status. [Read more »](#)

NATIVE AMERICAN

Navajo Prez Blasts Possible End To Medicaid Rule Exemption

The president of the Navajo Nation said Thursday he is concerned with statements

The DIRECTV Group, Inc.
Time Warner Inc.
Title Source Inc.
Twitter Inc.
Union Pacific Corporation
United Nations Commission on International Trade Law
United Parcel Service Inc.
United States Steel Corporation
United States Telecom Association
Universal Service Administrative Co.
Volkswagen
Wayfair LLC
Western Digital Corporation
Wilmington Trust Corp.
ZTE Corp.

GOVERNMENT AGENCIES

AbilityOne Commission
Advisory Council on Historic Preservation
Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
California Department of Insurance
California Department of Justice
Centers for Medicare & Medicaid Services
Congressional Research Service
Department of Commerce
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Housing Finance Agency
Government Accountability Office

from the U.S. Department of Health and Human Services that civil rights issues may prevent states from exempting American Indian and Alaska Natives from Medicaid work requirements, saying that would disregard 200 years of legal precedent and treaty negotiations. [Read more »](#)

TELECOMMUNICATIONS

Feature

Top 3 Groups Lobbying The FCC

During the month of April, telecom lobbyists continued to emphasize the importance of eliminating barriers to new wireless infrastructure, while also touching on satellite spectrum-sharing and broadcast carriage elections. Here's a look at the top three groups lobbying the FCC from April 1 to 30 and a sampling of what they care about. [Read more »](#)

Dems Blast FCC's Universal Service Fund Move To Treasury

A pair of House Democrats assailed Federal Communications Commission Republican Chairman Ajit Pai for "unilaterally" pressing forward with a transfer of the FCC's Universal Service Fund to the U.S. Treasury, arguing that the transfer was conducted too quickly with too little oversight or public participation. [Read more »](#)

USTelecom Says FCC Must Suspend Network-Sharing Rules

USTelecom asked the Federal Communications Commission on Friday to free legacy wireline companies from analog-era unbundling rules that require them to share their networks with competitors at capped rates, saying the late-20th-century competition measures are out of step with today's telecom environment. [Read more »](#)

Can Mueller Make Manafort 'Sing'? A Va. Judge Isn't So Sure

Illinois General Assembly
Internal Revenue Service
NAFTA
National Highway Traffic Safety Administration
Navajo Nation
New Jersey Judiciary Court System
Occupational Safety and Health Administration
Securities and Exchange Commission
South Dakota Department of Revenue
U.S. Census Bureau
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Supreme Court
United Nations
Washington Attorney General's Office

The Virginia federal judge overseeing a financial crimes case against former Trump campaign chairman Paul Manafort asked for the unredacted version of an August memo outlining the scope of Special Counsel Robert Mueller's investigation, saying Friday he believes the goal of the charges is to get Manafort to "sing." [Read more »](#)

PEOPLE

Hogan Lovells Lands FAA, Google Drone Alum

Hogan Lovells has hired a Federal Aviation Administration veteran and former head of public policy and regulatory affairs at Google's drone industry venture for its regulatory group. [Read more »](#)

EXPERT ANALYSIS

Infrastructure Funding Is On The Rise In Indian Country

For Native American communities, decades of underinvestment have resulted in decaying or nonexistent infrastructure across all sectors. Though there is still a long way to go, some recent new and proposed funding sources for infrastructure development on tribal lands are a step in the right direction, say Michael Connor and Raya Treiser of WilmerHale. [Read more »](#)

Opinion

How Much Might Chicago Taxpayers Pay For Amazon's HQ2?

The city of Chicago has a history of making bad deals in secrecy and at the taxpayers' expense, says Josh Burday of Loevy & Loevy, who is currently representing the group suing Chicago for disclosure of the details of its bid for Amazon's HQ2. [Read more »](#)

Calif. Landslides Prompt 'Efficient Proximate Cause' Rehash

Last month, the California Senate passed SB 917, amending the California Insurance Code

to reiterate efficient proximate cause and specifically address landslides. Though the amendment purports to merely restate existing law, insurers should be prepared for inconsistent verdicts rendered by courts and juries in the near future, says Jennifer Hoffman of Zelle LLP. [Read more »](#)

Practical Considerations For Litigating Proportionality

By incorporating an explicit requirement that discovery must be "proportional to the needs of the case," the 2015 amendments to the Federal Rules of Civil Procedure garnered much speculation as to their impact on courts' decision-making processes. Now that the rules have been implemented for over two years, several themes have emerged, say attorneys with Buckley Sandler LLP. [Read more »](#)

LEGAL INDUSTRY

Titan of the Plaintiffs Bar: Baum Hedlund's R. Brent Wisner

Baum Hedlund Aristei & Goldman PC's R. Brent Wisner helped score the first jury verdict holding a brand-name drugmaker liable for injuries caused by a generic version in a high-profile case involving an attorney's suicide while on generic Paxil, landing him among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Analysis

Chicago Judges 'Under Siege' Amid Wave Of Vacancies

The Northern District of Illinois, one of the country's busiest courts, is dealing with a surge of judicial vacancies that is expected to grow over the next year, and with no current nominees to fill the spots, the situation is likely to get worse before it gets better, experts told Law360. [Read more »](#)

Feature

Graham Curtin's End Opens Door To Opportunity At McElroy

When Graham Curtin PA founding partner Thomas R. Curtin closed the door of his Morristown, New Jersey, office and took virtually his entire team with him to McElroy Deutsch Mulvaney & Carpenter LLP last month, the end of an era for one small shop marked the start of a productive new one for both firms. [Read more »](#)

Podcast

Law360's Pro Say: The Lawyer Who Lived 'Wild Wild Country'

On the latest episode of Law360's Pro Say podcast we're joined by Robert Weaver, one of the lawyers featured in Netflix's binge-worthy docuseries "Wild Wild Country," who tells us all about what it was really like to prosecute the leaders of a cult. [Read more »](#)

Law Departments See Continued Uptick In Class Actions

Class action defense spending is on the rise for the third consecutive year and has reached its highest level since 2010, according to a recent survey of more than 400 general counsel and chief legal officers. [Read more »](#)

Legal Sector Hits 2018 Employment High With 800 New Jobs

Legal industry employment has reached its high water mark for the year with the addition of 800 new jobs in April, a report released Friday by the Bureau of Labor Statistics found. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

A London research firm named Pinsent Masons LLP as the strongest United Kingdom legal brand, new data showed overall legal spending is on the rise, and a newly published survey found that many employers continue to struggle with a rapidly changing patchwork of state and local workplace laws that include measures aimed at closing pay gaps between men and women. Here are some of the stories

in corporate legal news you may have missed in the past week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

JOBS

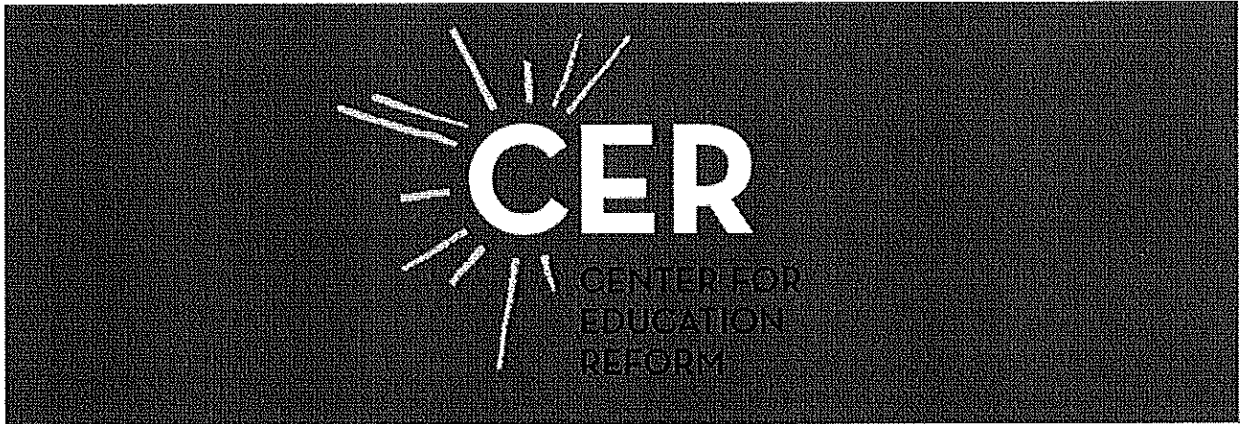
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May 8, 2018

National Charter Schools Week 2018, Day 3:

The UNIONS, and their impact on Teachers

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it ~~is~~ "jeopardize[s] student success, undermines public education and harms communities" and thus they must "arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth."

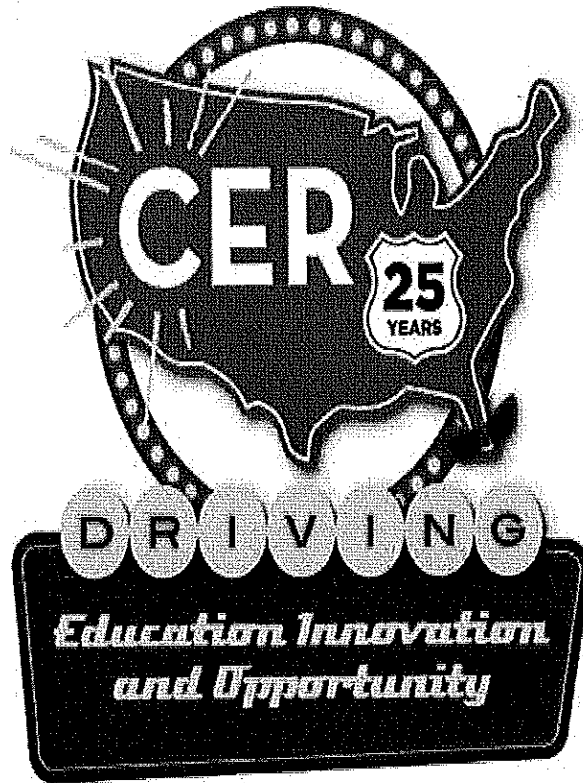
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstring those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of #CharterSchoolsWeek, that's worth celebrating!



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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The Center for Education Reform
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PUBLIC
POLICY

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Wednesday, May 9, 2018



TOP NEWS

Analysis

Vance Fumes After Schneiderman Abuse Case Reassigned

Manhattan District Attorney Cyrus Vance railed against New York Gov. Andrew Cuomo's decision Tuesday to relieve him and assign a special prosecutor to conduct a criminal investigation into domestic violence allegations against former state Attorney General Eric Schneiderman — a move that victims' advocates had called for earlier in the day. [Read more »](#)

Feature

Blue Slip Fight Looms At 9th Circ. Pick's Judiciary Hearing

Ninth Circuit nominee Ryan Bounds will finally get to testify before the Senate Judiciary Committee on Wednesday after eight months of waiting, but looming over the conservative



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LAW FIRMS

prosecutor's big debut is a historic battle involving the Senate's so-called blue slip tradition. [Read more »](#)

Feature

FCC's Mignon Clyburn Talks Retirement And Leaving A Legacy

Federal Communications Commissioner Mignon Clyburn will be retiring from the agency in coming days after nearly a decade of public service with the commission. During her tenure, the Obama appointee became the first woman to chair the agency and established herself as a fierce advocate of net neutrality policies and government programs that help the underprivileged get and stay connected. [Read more »](#)

DOJ To Judge: Block AT&T-Time Warner Deal Or Carve Out Fix

The U.S. Department of Justice urged a D.C. federal judge in a court filing Tuesday to either block AT&T's planned purchase of Time Warner outright, or require the companies to sell Turner Broadcasting or DirecTV before moving ahead with the deal. [Read more »](#)

Ex-Acting AG Sally Yates, Fired For Defying Trump, Joins K&S

Sally Yates, the one-time second highest ranking official in the U.S. Department of Justice who defied President Donald Trump's first iteration of an immigration ban during her brief stint as acting attorney general last year, is joining King & Spalding LLP's government investigations team, the firm announced Tuesday. [Read more »](#)

BANKING & SECURITIES

House Votes To Nix CFPB Auto-Lending Guidance

Congress has sent a measure that would nix the Consumer Financial Protection Bureau's 2013 guidance on discrimination in auto lending to President Donald Trump, following a

Allen & Overy
Cohen Milstein
Cole Schotz
Cooley
Cravath Swaine
Crowe & Mulvey
Curtis Mallet-Prevost
Dinse
Earthjustice
Eversheds Sutherland
Foley Hoag
Gibson Dunn
King & Spalding
Kirkland & Ellis
Lawyers' Committee for Civil Rights
Levin Papantonio
Nutter McClennen
O'Melveny & Myers
Quinn Emanuel
Schwartz Perry & Heller
Sive Paget
Stroock & Stroock
Watson LLP
Weiss Serota
Weitz & Luxenberg
Wilson Sonsini

COMPANIES

AT&T Inc.
Aegerion Pharmaceuticals Inc.
Aetna Inc.
American Bar Association
American College of Emergency Physicians
American Hospital Association
American Intellectual Property Law Association
American Medical Association Inc.

vote in the U.S. House of Representatives on Tuesday. Read more »

Sen. Brown Slams Banks For Cutting Jobs, Raising Exec Pay

Sen. Sherrod Brown, D-Ohio, sent letters to the chief executive officers of six major banks, including Bank of America and JP Morgan Chase, asking them to provide the public with detailed plans to reinvest in American workers during "this golden age of profitability," the lawmaker said Tuesday. Read more »

Mass. Justices Ponder KPMG's Failure To Spot College Fraud

The Massachusetts Supreme Judicial Court on Tuesday questioned whether Big Four auditor KPMG LLC should bear any responsibility for failing to catch a \$6 million fraudulent loan scheme at a Bay State college. Read more »

ENERGY & ENVIRONMENTAL

Analysis

NY AG's Implosion No Silver Bullet For Exxon Climate Probes

The stunning resignation of New York Attorney General Eric Schneiderman removes a public thorn in the side of ExxonMobil as it grapples with his office's probe of the company's climate change knowledge, but don't expect the Empire State's investigation of the oil giant to go away due to its architect's exit. Read more »

Bayou Bridge Pipeline Permit Improper, La. Judge Says

Louisiana's Department of Natural Resources violated state law when it gave the developer of a crude oil pipeline linked to the controversial Dakota Access pipeline a coastal use permit allowing the project to cross through 11 parishes in Southern Louisiana, a state judge has ruled. Read more ½ B

AmerisourceBergen Corporation
Apple Inc.

Arctic Slope Regional Corp.

BP p.l.c.

Bank of America Corporation

Braskem SA

British Broadcasting Corp.

Burger King Holdings Inc.

Cable News Network Inc.

Cardinal Health Inc.

Caterpillar Inc.

Cigna Corporation

Citigroup Inc.

Comcast Corporation

Communications Workers of America

Cox Communications Inc.

DISH Network Corporation

Energy Transfer Partners LP

Equifax Inc.

Facebook

Fordham University

Goldman Sachs Group Inc.

Google Inc.

H.D. Smith LLC

JPMorgan Chase & Co.

Jazz Pharmaceuticals Inc.

KPMG International

Ketchum Inc.

Lawyers' Committee for Civil Rights Under Law

Lumber Liquidators Holdings, Inc.

Major League Baseball Inc.

Massachusetts Academy of Trial Attorneys

McKesson Corp.

Medco Health Solutions Inc.

Moody's Corporation

Morgan Stanley

Mass. Justices Press Power Cos. On Emissions Rule Suit

Massachusetts Supreme Judicial Court justices on Tuesday pressed a group of power companies to explain why they believe a state regulatory plan to cap greenhouse gases in the electric sector would actually increase emissions and indicated the court was not swayed by their answers. [Read more »](#)

Groups Get Pause In Suit Over EPA Science Adviser Grants

A D.C. federal judge on Tuesday briefly pushed back deadlines in a lawsuit from scientific advocacy groups suing the EPA over a new policy barring its scientific advisory committees' members from receiving agency grants, pausing government efforts to toss the case until it produces the administrative record for the policy. [Read more »](#)

HEALTH & LIFE SCIENCES

Jazz Pharmaceuticals To Pay \$57M To End DOJ Inquiry

Ireland's Jazz Pharmaceuticals PLC has agreed to pay \$57 million to resolve a U.S. Department of Justice investigation into its purported financial support of nonprofits that help Medicare patients cover out-of-pocket drug costs, according to a filing with the U.S. Securities and Exchange Commission Tuesday. [Read more »](#)

Drug Execs Deny Blame For Role In Opioid Crisis

Four executives for drug distributors including Cardinal Health Inc. and McKesson Corp. on Wednesday told lawmakers their companies didn't feed the deadly opioid crisis, although another admitted his company did play a role in the ongoing epidemic. [Read more »](#)

IP & TECHNOLOGY

NBCUniversal Inc.

NRG Energy Inc.

National Congress of American Indians

National Hispanic Medical Association

Natural Resources Defense Council

Netflix Inc.

New York Daily News Co.

New York Post

NewYork-Presbyterian Hospital
Petrobras

Phillips 66

Physicians for Social Responsibility

Securus Technologies Inc.

TBS International Limited

Texas Medical Association

The DIRECTV Group, Inc.

Turner Broadcasting System Inc.

Twitter Inc.

U.S. Chamber of Commerce

United Therapeutics Corporation

UnitedHealth Group Inc.

Verizon Communications

Wells Fargo & Co.

YouTube Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and
Immigration Services

Congressional Research Service

Consumer Financial Protection
Bureau

European Union

Executive Office of the President

Federal Communications
Commission

Federal Trade Commission

USPTO Wants AIA Claim Construction To Match District Court

The U.S. Patent and Trademark Office on Tuesday proposed a new rule that would change the claim construction standard used in America Invents Act reviews and bring it in line with the standard used in district court. Read more »

REAL ESTATE

11th Circ. Says Suit Over Fla. Jewish Center Is Moot

The Eleventh Circuit on Monday ruled that a constitutional law suit filed by two Boca Raton residents over the construction of a Jewish religious center near their homes is moot after a Florida state court struck down approval of the site's building plans in a separate case. Read more »

Sheldon Silver Never Asked For Kickbacks, Jury Hears

A real estate tax attorney testified Tuesday that former New York State Assembly Speaker Sheldon Silver never asked him for referral fees for the work the once-powerful Democratic politician brought him from big New York City developers, fees that federal prosecutors say amount to illegal kickbacks. Read more »

EMPLOYMENT

Doc Group Threatens Legal Action Over DOL Payment Rule

A doctors' group announced Tuesday that it will consider mounting another legal challenge to a U.S. Department of Labor payment rule after the agency brushed off the group's concerns that the rule gives insurers free rein to underpay for out-of-network emergency health care services. Read more »

AEROSPACE & DEFENSE

Government Accountability Office
Internal Revenue Service
International Trade Commission
Iowa Department of Revenue
Louisiana Department of Natural Resources
Massachusetts Department of Environmental Protection
New York Attorney General's Office
New York State Assembly
Securities and Exchange Commission
Skokomish Indian Tribe
Suquamish Tribe
U.S. Army
U.S. Attorney's Office
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Navy
U.S. Office of Government Ethics
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court

Trump Pulls US Out Of Iran Nuclear Deal

President Donald Trump announced Tuesday that the U.S. will withdraw from the landmark Iran nuclear deal, following through on his years of criticism of the agreement and potentially opening a path for Iran to resume its nuclear weapons program. [Read more »](#)

\$32M In Equipment Vanished From Calif. Navy Site: Probe

More than \$32 million in equipment has gone missing from a U.S. Navy center in California because of mismanagement by employees, who have also mishandled classified materials, independent federal investigators told President Donald Trump and Congress. [Read more »](#)

TAX

States Get 'Modest' Tax Help From Cannabis, Moody's Says

Tax revenue from cannabis sales makes up only a small portion of overall tax revenue in states that have legalized marijuana, despite an explosion in the amount of sales, according to a Tuesday report from Moody's Investors Service. [Read more »](#)

IMMIGRATION

Trump Can't Be Sued Over Immigrant Protections, Feds Say

President Donald Trump should be dropped from a suit challenging his administration's decision to terminate temporary protected status for Salvadoran and Haitian immigrants, the federal government told a Massachusetts federal court Monday. [Read more »](#)

Atheist Says Naturalization Oath Is 'Like Plessy V. Ferguson'

Counsel to a French atheistic woman who has twice been approved to become a U.S. citizen argued before a federal judge in Boston

Tuesday that the government's attempts to accommodate her beliefs are as unconstitutional as the inclusion of the phrase "So help me God" in the naturalization oath she refuses to say. [Read more »](#)

NATIVE AMERICAN

Chamber Backs Trump Pick For DOI Indian Affairs Role

The U.S. Chamber of Commerce wrote to a Senate committee Tuesday in support of President Donald Trump's nomination of Tara Sweeney to be assistant secretary for Indian Affairs within the U.S. Department of Interior, asking the committee to report favorably after its hearing on the nomination the following day. [Read more »](#)

Tribes Urge 9th Circ. To Toss Rival's Hunting Grounds Claim

The Jamestown S'Klallam and Port Gamble S'Klallam Tribes have urged the Ninth Circuit to reject the Skokomish Indian Tribe's suit accusing Suquamish Tribe officers of encroaching on its hunting grounds, saying a Washington federal judge correctly held the dispute would impact other tribes who cannot join the suit. [Read more »](#)

TELECOMMUNICATIONS

Apple Wants FCC To Leave More Upper Spectrum Free

Apple Inc. has its eyes on spectrum above 95 GHz based on a recent filing with the Federal Communications Commission urging the agency to free up more unlicensed spectrum in wider bands than currently envisioned in order "to better support the innovators." [Read more »](#)

Securus Urges FCC To Use Discretion In Robocall Blocking

Prison phone operator Securus Technologies Inc. told the Federal Communications Commission on Monday that the agency must

make sure proposed methods to cut down on unwanted robocalls don't head off legitimate calls from inmates calling loved ones through a correctional facility's phone system. [Read more »](#)

EXPERT ANALYSIS

Will The US Match Or Improve On GDPR Privacy Model?

While aspects of proposed U.S. privacy legislation mirror the EU's General Data Protection Regulation, none of the pending solutions in Congress provides the level of government protection of user data engendered by the GDPR, say Jonathan Walsh and Edward Combs of Curtis Mallet-Prevost Colt & Mosle LLP. [Read more »](#)

Series

State Tax After TCJA: Treatment Of International Income

The Tax Cuts and Jobs Act made sweeping changes to the Internal Revenue Code. Its international tax provisions — including the transition tax, the foreign-source dividends received deduction, the tax on global intangible low-taxed income and others — have far-reaching implications for state tax systems that broadly conform to the IRC, and present significant compliance burdens for taxpayers, say attorneys with Eversheds Sutherland LLP. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Cohen Milstein's Steven Toll

Cohen Milstein Sellers & Toll PLLC's Steven Toll racked up a series of multimillion-dollar settlements in 2017, including a \$175 million shareholder deal with BP over the Deepwater Horizon spill and \$165 million in a mortgage-backed securities class action, landing him among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Female In-House Attys Earn 84 Cents For Every Dollar Men Do

Female in-house counsel earn 84 percent of what their male counterparts earn on average, with the gender pay gap growing steeper still at the general counsel level, a report released Tuesday said. [Read more »](#)

ABA Negligently Certified For-Profit Law School, Suit Says

The American Bar Association has been accused of negligence related to its role in certifying the now-closed Charlotte School of Law, with a former professor and an alumnus adding the association to their suit against the for-profit school and its parent company. [Read more »](#)

Pro Bono Spotlight

Eversheds Sutherland Secures Asylum For Gang Target

A young Honduran man's six-year fight to remain in the United States ended recently with an Arlington, Virginia, immigration court ruling that he was a target for violent reprisal if he returned to his home country and granting him asylum, thanks partly to the pro bono advocacy of Eversheds Sutherland US LLP. [Read more »](#)

2nd Circ. Chief Judge Pushes For Immigrant Representation

Second Circuit Chief Judge Robert A. Katzmann on Tuesday called attention to the dearth of available counsel for immigrants facing court proceedings, arguing that immigration attorneys serve a critical purpose of promoting and realizing access to justice. [Read more »](#)

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Subject: DOJ Tackles 'Piling On' Of Corporate Penalties In New Policy



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Rankings across all of Lex Machina's practice area modules -- patent, antitrust, employment, product liability, securities, and more -- on the firms that have filed and defended the most cases. Request your copy here

Thursday, May 10, 2018



TOP NEWS

DOJ Tackles 'Piling On' Of Corporate Penalties In New Policy

U.S. Deputy Attorney General Rod Rosenstein announced in two speeches in New York on Wednesday that the U.S. Department of Justice had added a new internal policy setting out guidelines to help prosecutors avoid "piling on" corporate penalties with other U.S. enforcement agencies. [Read more »](#)

Feature

5 Names To Watch In Race To Be Next New York AG

The sudden downfall of former New York Attorney General Eric Schneiderman has opened a frenzy of speculation as to who's in the running to become the Empire State's next top cop, and the answer could prove historic if



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LAW FIRMS

it leads to the first woman or minority to be elected to the powerful post. [Read more »](#)

Analysis

Dems Campaign To Force Vote On Reinstating Net Neutrality

Democrats scrambling to preserve Obama-era net neutrality rules officially filed a petition Wednesday to force a Senate vote on a measure meant to neutralize the Trump Federal Communications Commission's controversial rollback of the regime. [Read more »](#)

Analysis

The US Has Exited The Iran Deal. What Happens Now?

The Trump administration's decision to pull out of a historic nuclear disarmament deal with Iran will have serious ramifications for global geopolitics and national security, but the move will in the near term have its most pointed effect on companies doing or considering business in Iran. [Read more »](#)

Dems Urge Probe Of DOJ's Immigration Judge Hiring

Eight congressional Democrats penned a letter to U.S. Department of Justice Inspector General Michael Horowitz on Tuesday asking him to undertake an investigation into allegations the agency engaged in politicized hiring practices for immigration judges. [Read more »](#)

Trump's 9th Circ. Pick Takes Flak Over College Writings

President Donald Trump's first nominee to the Ninth Circuit on Wednesday weathered criticisms about opinions he'd penned in college, as Democrats fumed over Republicans breaching the Senate Judiciary Committee's "blue slip" tradition to advance his nomination. [Read more »](#)

Senate Confirms La.'s Engelhardt For 5th Circ.

Baker Botts

Ballard Spahr

Bryan Cave

Cadwalader Wickersham

Choate

Clayman & Rosenberg

Clifford Chance

Covington & Burling

Epstein Becker Green

Erickson Immigration Group

Garvey Schubert

Gass Weber

GrayRobinson

Hagens Berman

Hogan Lovells

Holland & Knight

Jacobson Burton

Kirkland & Ellis

Lawyers' Committee for Civil Rights

Lowenstein Sandler

McDermott Will

Moore & Van Allen

Morgan Lewis

Morrison & Foerster

Paul Hastings

Paul Weiss

Ropes & Gray

Seyfarth Shaw

Sidley Austin

Stroock & Stroock

Trucker Huss

Weil Gotshal

WilmerHale

Yetter Coleman

COMPANIES

AT&T Inc.

The Senate confirmed President Donald Trump's fourth pick for the high-profile Fifth Circuit on Wednesday, sending U.S. District Judge Kurt D. Engelhardt to the appellate panel. [Read more »](#)

BANKING & SECURITIES

Dems Ask Trump To Pull Kirkland Partner's DOJ Nomination

U.S. Senate Judiciary Committee Democrats on Wednesday called on President Donald Trump to withdraw his controversial nomination of Kirkland & Ellis LLP's Brian Benczkowski to lead the Department of Justice's criminal division over his representation of a bank with ties to Russian President Vladimir Putin. [Read more »](#)

Analysis

Taking On Gun Lobby Could Backfire For NY Bank Agency

New York's top financial regulator has turned heads with its recent focus on the National Rifle Association's ties to state banks and insurers, with experts saying a foray into the contentious gun control debate could backfire on the agency and the firms it regulates. [Read more »](#)

ENERGY & ENVIRONMENTAL

Trump Agenda Maintains Enviro Deregulatory Momentum

The Trump administration on Wednesday said it plans to roll back or revise several environmental- and energy-related regulations over the next few months, including loosening policies that dictate how strictly an air pollution-emitting facility is controlled, determining the extent of the federal government's jurisdiction under the Clean Water Act and, of course, the replacement of the Clean Power Plan. [Read more »](#)

American Academy of Family Physicians
American Civil Liberties Union
American College of Physicians
American Petroleum Institute Inc.
Arctic Slope Regional Corp.
Association of Corporate Counsel
BMW of North America LLC
BP p.l.c.
British Broadcasting Corp.
Cable News Network Inc.
Comcast Corporation
Cox Communications Inc.
DISH Network Corporation
Economists Incorporated
Etsy Inc.
Facebook
FedEx Corporation
Financial Industry Regulatory Authority Inc.
Fordham University
General Motors
Google Inc.
HBR Consulting LLC
Home Box Office Inc.
Microsoft Corporation
NBCUniversal Inc.
National Collegiate Athletic Association
National Employment Law Project
National Rifle Association of America
Navient Corp.
New York City Bar Association
New York Daily News Co.
New York Post
New York State Bar Association
Odebrecht SA
Planned Parenthood Federation

Calif. Mandates Solar Panels On New Homes Starting In 2020

California on Wednesday became the first state in the country to require solar panels on all new homes, marking its latest effort to aggressively curb greenhouse gas emissions. [Read more »](#)

Biofuel Groups Back EPA In Renewable Fuel Spat

Three biofuel industry groups have told the D.C. Circuit that a slew of refiners' challenge to a U.S. Environmental Protection Agency rule that set the levels of renewable fuel to be blended into the nation's fuel supply will, if successful, undermine the congressional intent for a market-driven standard. [Read more »](#)

HEALTH & LIFE SCIENCES

Fla. Hospital Wins Challenge To Audited Financials Rule

A Florida administrative law judge struck down a state agency rule Tuesday that required general hospitals to provide audited financial statements when applying for certificates of need to build new facilities, siding with a hospital that the provision was an invalid exercise of delegated legislative authority. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

DOT Picks Expanded Drone Ops Test Sites, Mulls New Rules

The U.S. Department of Transportation on Wednesday picked 10 sites in Alaska, California, Florida, Nevada, North Dakota, North Carolina, Kansas, Oklahoma, Virginia and Tennessee to test expanded drone operations, including package-delivery and nighttime flights, and is considering additional new rules for drones. [Read more »](#)

EMPLOYMENT

Reddit Inc.
Royal Dutch Shell PLC
Sharp Corp.
Sierra Club
Solar Energy Industries Association
Stroz Friedberg LLC
TBS International Limited
TechFreedom
The DIRECTV Group, Inc.
Time Warner Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Verizon Communications
Volkswagen
Washington Post Co.

GOVERNMENT AGENCIES

Antitrust Modernization Commission
Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Land Management
California Energy Commission
Choctaw Nation of Oklahoma
Consumer Financial Protection Bureau
Department of Commerce
Employee Benefits Security Administration
Equal Employment Opportunity Commission
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration

Joint Employer Plan, OT Highlight Trump's Labor Agenda

The National Labor Relations Board plans to issue a rule setting out a test for when affiliated businesses are joint employers and the U.S. Department of Labor will revise how it defines workers' base pay when calculating overtime, according to a regulatory roadmap the Trump administration released Wednesday. [Read more »](#)

ACA Birth Control Rules Top EBSA's Spring Priority List

The Employee Benefits Security Administration's spring priorities include allowing employers to opt out of covering birth control and expanding a program that allows employers to duck civil penalties for fiduciary violations, according to a list filed with the White House's regulatory affairs office on Wednesday. [Read more »](#)

COMPETITION

Feature

AT&T-Time Warner Trial: Experts, Leverage And A Crystal Ball

One of the most significant government merger trials in recent memory wrapped last week, and courtroom comments included references to crystal balls and Kabuki dances. But in the end, the fate of AT&T's \$85 billion deal for Time Warner will hinge on one thing: how U.S. District Judge Richard Leon believes the planned merger would affect the evolving media industry. [Read more »](#)

House Passes Bill To Change FTC's Merger Reviews

The U.S. House of Representatives passed a bill Wednesday aimed at making the U.S. Department of Justice's and Federal Trade Commission's merger review processes more similar, eliminating the FTC's ability to

Federal Bureau of Investigation
Federal Communications
Commission
Federal Reserve System
Federal Trade Commission
Internal Revenue Service
Kansas Department of
Transportation
National Aeronautics and Space
Administration
National Highway Traffic Safety
Administration
National Indian Gaming
Commission
National Labor Relations Board
Native Village of Barrow
New York Attorney General's
Office
New York State Department of
Financial Services
North Carolina Department of
Transportation
North Dakota Department of
Transportation
Office of Foreign Assets Control
Office of Natural Resources
Revenue
Pipeline and Hazardous Materials
Safety Administration
Securities and Exchange
Commission
Spirit Lake Tribe
Turtle Mountain Band of Chippewa
Indians
U.S. Army
U.S. Attorney's Office
U.S. Department of Agriculture
U.S. Department of Education
U.S. Department of Homeland
Security

challenge a merger administratively. [Read more »](#)

CYBERSECURITY & PRIVACY

Verizon Exits Fight Against Proposed Calif. Privacy Law

Verizon has become the second major company to bow out of a fight challenging a California ballot proposal that would let consumers know what types of information companies are collecting, sharing and selling on them, saying it will turn its attention from state-level fights to nationwide policy efforts. [Read more »](#)

Ga. Gov. Vetoes Anti-Hacking Law, Cites National Security

Georgia Gov. Nathan Deal on Tuesday vetoed legislation that would have criminalized accessing a computer or network "without authority" and allowed companies to take active defensive measures against suspected cyberattackers, citing potential national security consequences. [Read more »](#)

CONSUMER PROTECTION

Mulvaney Targets CFPB's Student Lending Office In Reorg

Consumer Financial Protection Bureau Acting Director Mick Mulvaney said Wednesday that an agency office that's been involved in investigating student loan abuses is being merged into another office focused on educating consumers, a move that consumer advocates are comparing to "shuttering the fire department in the middle of a three-alarm fire." [Read more »](#)

INTERNATIONAL TRADE

US Accuses India Of Underreporting Food Subsidies At WTO

The U.S. Trade Representative and secretary of agriculture on Wednesday accused the

U.S. Department of Housing and Urban Development
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Senate
U.S. Senate Committee on Indian Affairs
U.S. Supreme Court
World Trade Organization

Indian government of underreporting its market price support for wheat and rice production, and announced they= 2d filed a counter-notification with the agricultural arm of the World Trade Organization. [Read more »](#)

TAX

IRS To Unveil TCJA Foreign Tax Credit Rule By Late Summer

In August, the U.S. Treasury Department and Internal Revenue Service will release guidance on foreign tax credits as they relate to last year's tax overhaul legislation. [Read more »](#)

IMMIGRATION

Texas Sanctuary City Suit Won't Get 2nd Look At 5th Circ.

The Fifth Circuit has declined to revisit its ruling upholding a Texas statute that bars so-called sanctuary city policies, leaving in place a decision that the law is largely not in violation of the U.S. Constitution. [Read more »](#)

Judge To Move Fast On Suit Over Census Citizenship Query

A Manhattan federal judge said Wednesday he will move quickly to resolve a challenge by a coalition of states to the Trump administration's controversial decision to add a question on citizenship status to the 2020 census, noting the approaching population count and the high likelihood of appellate review. [Read more »](#)

ICE Urges Toss Of Suit Over Immigrant Teens' Detention

U.S. Immigration and Customs Enforcement asked a D.C. federal court on Monday to scrap a proposed class action by three teenagers who immigrated to the U.S. illegally as unaccompanied minors, arguing it had discretionary power to transfer them to adult detention centers once they turned 18. [Read more »](#)